



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.12450 and 12523 of 2021

1.Mookaiah @ Shanmuganathan
2.Bharath

... Petitioners/Accused No.1 and 5
IN CRL OP(MD). NO.12450 OF 2021

P.Sudalai

... Petitioner/Accused No.11
IN CRL OP(MD). NO.12523 OF 2021

Vs

The State rep.by,
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
in Crime No.128 of 2021

... Respondent/Complainant
in both the petitions

For Petitioners: MR.S.MANDHIRALINGESWARAN,
(IN BOTH THE PETITIONS) Advocate.

For Respondent : MR.T.SENTHILKUMAR,
(IN BOTH THE PETITIONS) Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER FOR CRL OP(MD). Nos.12450 and 12523 of 2021 :-For Bail
in Crime No.128 of 2021 on the file of the Respondent Police.

COMMON ORDER:

The petitioners in both petitions/A1, A5 and A11, were arrested on 16.06.2021 and 19.07.2021 for the offence punishable under Sections 147, 148, 341, 302 IPC, altered into Sections 147, 148, 341, 302, 120(B) and 109 IPC, in Cr.No.128 of 2021 on the file of the respondent police and hence, they seek bail.

2. The case of the prosecution is that the petitioners criminally conspired with other accused to murder the deceased and according to their conspired plan, on 15.06.2021, the petitioners and other accused had unlawfully assembled with deadly weapons, wrongfully restrained the deceased and attacked him with deadly weapons and ultimately caused death. Hence, the case.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the defacto complainant's father and two others were murdered by A1's brother and hence, the defacto complainant, without knowing the real culprit, lodged the false complaint as against the petitioners. He further submitted that the co-accused were released on bail by this Court in Crl.O.P.(MD)Nos.10981 and 12105 of 2021. Hence, he prayed for grant of bail.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the period of incarceration and the fact that the co-accused were released on bail, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaigundam, Thoothukudi District and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2021

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/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAICKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) . Nos.12450 and 12523 of 2021
Date :31/08/2021

MK/VR/SAR.I/31.08.2021/3P/6C