



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

Date : 02/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12710 of 2021

Suganthan

... Petitioner/Accused No.8

Vs

State Rep.by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.136 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Subash Babu,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.136 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who was voluntarily surrendered before the Court on 12.08.2021, for the offence punishable under Section 302 altered into Sections 302, 147, 148, 294(b), 323, 324, 341 and 506 (ii) IPC, in Crime No.136 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a communal clash between two groups, due to which, A1 stabbed the defacto complainant. A3 to A8 also abused the defacto complainant and attacked him, as a result of which, he died.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he is in no way connected with the said offence. Based on the confession given by the co-accused, the petitioner was roped in this case. He further submitted that the co-accused was granted bail by this Court on 07.07.2021 in Crl.O.P. (MD)No.8920 of 2021.



4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed. He further submitted that apart from this case, the petitioner is also involved in another case for the offence under Section 307 IPC.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration and also the fact that the co-accused was granted bail, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri 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 petitioner shall report before the respondent Police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m. until further orders.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/09/2021

/ 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.

WEB COPY

TO

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

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-5890[I] dated 02/09/2021)

ORDER

IN

CRL OP(MD) No.12710 of 2021

Date : 02/09/2021

OGY

MS/VR/SAR-3/02.09.2021/3P.7C