



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.12705 of 2021

1. Chellapandi
2. Chellam

... Petitioners/Accused-1 and 5

Vs

The State rep.by,
The Inspector of Police,
Thenkarai Police Station,
Theni District.

... Respondent/Complainant

For Petitioners : MR.K.APPADURAI,
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.431 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A5, who were arrested on 15.07.2021 for the offence punishable under Sections 147, 294(b), 323, and 302 IPC, in Crime No.431 of 2021 on the file of the respondent police, seek bail.

2. Totally, there are six accused in this case. The deceased is the father of the defacto complainant. The case of the prosecution is that the petitioners and deceased are neighbours and they are very close relatives. The deceased wanted to lay a shed adjacent to his house and therefore, he requested the petitioners not to damage the wall, due to which, there was a wordy quarrel between them and consequent to that, the petitioners along with other accused attacked the deceased with hands, as a result of which, he died. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioners are innocents and they have been falsely implicated in this case. However, they are languishing in jail from 15.07.2021. Hence, he prayed for grant of bail.

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



completed. However, he fairly submitted that the co-accused were released on bail by this Court on 10.08.2021 in Crl.O.P.(MD)No.11110 of 2021.

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, Periyakulam, 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/-
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.



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.K.APPADURAI, Advocate. SR.No.27950.

ORDER

IN

CRL OP(MD) No.12705 of 2021

Date :02/09/2021

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MK/PN/SAR.III/02.09.2021/3P/7C