



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

Date : 13/09/2021
PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13373 of 2021

Bharathi

... Petitioner/Accused No.4

Vs

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

... Respondent/Complainant

For Petitioner : Mr.S.MANDHIRALINGESWARAN
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.128 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A4 herein who was arrested on 19.06.2021 for the alleged offence under Section 147, 148, 341, 302 of IPC @ u/s. 147, 148, 341, 302, 120(B) & 109 of I.P.C., in Crime No.128 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner criminally conspired with the other co-accused and attacked the deceased with deadly weapons and caused his death. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the accused Nos.8 & 9 were granted bail by this Court in Crl.O.P. (MD).No.10981 of 2021 on 10.08.2021 and the accused Nos.6, 7, 10 and 12 were granted bail in Crl.O.P.(MD).No.12105 of 2021 on 24.08.2021. The petitioner is in judicial custody from 19.06.2021 and hence, he may be granted bail.

4.The learned Government Advocate (Crl.Side)appearing for the respondent would submit that this is the second application. The

<https://hcservices.ecourts.gov.in/hcservices/>



application filed by the petitioners in Crl.O.P.(MD).No.10981 of 2021 was dismissed on 10.08.2021 in respect of this petitioner, since the petitioner is having two previous cases. He would further submit that the investigation is almost completed.

5.Considering the nature of offence committed by the petitioner, the overt act attributed against the petitioner, the grant of bail to the co-accused in this case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered 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, Srivaikundam, Thoothukudi District and on further condition 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 at 10.30 a.m. in the morning and 5.00 p.m. in the evening until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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 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]**.

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

sd/-

13/09/2021

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

ORDER

IN

CRL OP(MD) No.13373 of 2021

Date :13/09/2021

SA/VR/SAR.1/13.09.2021/3P/6C