



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

Date : 20/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13891 of 2021

1.Joseph Raja
S/o.Vedamanickam

2.Paul Paulraj
S/o.Devaraj

... Petitioners/Accused Nos.2&3

Vs

The Inspector of Police,
Sayalkudi Police Station
Ramanathapuram District
(Crime No.221 of 2018).

... Respondent/Complainant

For Petitioners : M/s.Kumaravel K,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 221 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who were arrested on 29.07.2021, for the offence punishable under Sections 302, 201, 120(b) and 364 I.P.C, in Crime No.221 of 2018 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to civil dispute, the accused persons in this case kidnapped the deceased and set fire on his person. He in the complaint.



3.The learned counsel for the petitioners submits that the occurrence had taken place on 23.12.2018. Based on the confession statement of the fourth accused, these petitioners have been implicated as accused. He further submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. They are inside the prison from 29.07.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the investigation is completed and final report is also filed before the learned Magistrate concerned. He further submits that the first petitioner is having one previous case to his credit.

5.Considering the facts and circumstances of the case, the manner in which the petitioners have been arrayed as accused, considering the completion of investigation and filing of final report and also the period of incarceration, this Court is inclined to grant bail to the petitioners, however, with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kadaladi 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 first petitioner/A2 shall report before the respondent Police daily twice ie. at 10.30 a.m. and 5.30 p.m until further orders.

[c] The second petitioner/A3 shall report before the respondent police daily at 10.30 a.m until further orders.

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

[e] the petitioners 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 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]**.

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

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sd/-
20/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msa

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
Kadaladi
- 2.Do Through The Chief Judicial Magistrate,
Ramanathapuram
- 3.The Officer incharge,
District Jail, Dindigul
- 4.The Inspector of Police,
Sayalkudi Police Station
Ramanathapuram District
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-6361[I] dated 20/09/2021)

ORDER IN
CRL OP(MD) No.13891 of 2021
Date : 20/09/2021

TR/PN/SAR-II(20.09.2021) 3P 7C