



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14870 of 2021

1.S.Sureshkumar

2.K.Palanikumar

... Petitioners/Accused Nos.4 & 5

Vs

State Rep by,
The Inspector of Police,
Thiruthangal Police Station
Thiruthangal
Virudhunagar District
Crime No.396 of 2021

... Respondent/Complainant

For Petitioners : Mr.S.Selvakumar, Advocate.

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

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

PRAYER :-

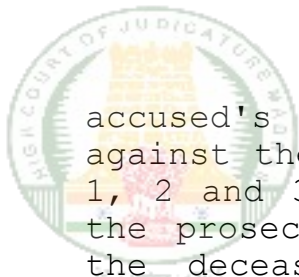
For Bail in Crime No. 396 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who were arrested on 19.08.2021 for the offence under Section 302 @ Sections 302, 120B, 147, 342, 365 and 201 I.P.C., in Crime.No.396 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is the wife of the deceased. On 18.08.2021, the deceased Santhanakumar was lying near Enjar Kanmai in an unconscious manner with rope marks on his neck and he was taken to Government Hospital, Sivakasi where he died. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the prosecution case is projecting through the first



accused's confession that the sixth accused is having motive against the deceased and murdered him with the help of accused nos. 1, 2 and 3. These petitioners have only helped them. According to the prosecution, the sixth accused alone is having motive against the deceased and these petitioners neither having any motive against the deceased nor having any connection in this case. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in jail from 19.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that that the investigation is yet to be completed. He would further submit that based on the confession statement of the co-accused, these petitioners have been arrayed as accused.

5.Considering the facts and circumstances of the case, the manner in which these petitioners have been added as accused and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

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 No.II, Sivakasi 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 Aadhaar 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 the 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/10/2021

/ TRUE COPY /

/ /2021

WEB COPY

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 NO.II,
SIVAKASI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAKASI.
- 3 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
THIRUTHANGAL,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON,
VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14870 of 2021
Date :21/10/2021

PKP/JM/SAR-2/21.10.2021/3P/6C