



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

Date : 20/10/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15725 of 2021

Periyasamy ... Petitioner/Accused No.8

Vs

The State rep.by,
The Inspector of Police,
Mandalamanickam Police Station
Ramanathapuram District
Crime No.139 of 2021.

... Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu
Advocate.

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

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

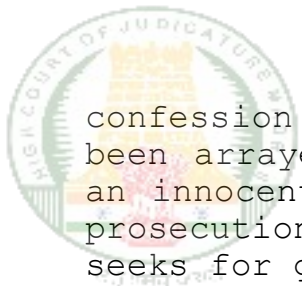
PRAYER :-For Bail in Crime No.139 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested on 17.08.2021, for the offence punishable under Sections 147, 148, 341, 323, 324, 427 and 302 I.P.C., in Crime No.139 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 29.07.2021, the defacto complainant's husband went outside in a drunken mood and thereafter, he never returned home. When the defacto complainant searched for her husband, she found that her husband died with multiple injuries. Hence, the complaint.

3.The learned counsel for the petitioner submits that on the date of occurrence, the deceased went in a two-wheeler along with one Thangapandi in a drunken mood. According to the wife of the deceased, the deceased has consumed liquor on that day and due to the same, he fell down, suffered injury and died. But, due to the motive between the deceased and some of the villagers of the petitioner, the accident has been converted into murder case. The



confession statement given by the first accused, this petitioner has been arrayed as accused. He further submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is inside the prison from 17.08.2021 and hence, he seeks for grant of bail.

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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that totally there are 12 accused in this case and the petitioner is arrayed as accused no.8. The petitioner, who is the friend of the first accused, along with other accused conspired together and attacked the deceased when he went to village in night hours. Admittedly, the deceased is a drunkard, a troublemaker in that area and having several enemies as against him. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the manner in which the petitioner has been implicated as accused and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Kamuthi 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily twice, ie. at 10.30 a.m. and 05.30 p.m until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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 229-A IPC.

sd/-
20/10/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
MANDALAMANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM DISTRICT.

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

+1 CC to Mr.C.EZHILARASU, Advocate (SR-7230[I] dated 20/10/2021)

ORDER

IN

CRL OP(MD) No.15725 of 2021

Date :20/10/2021

MSA

MK/SKN/SAR.I/20.10.2021/3P/7C