



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15511 of 2021

1. Muthurakku
2. Mariappan
3. Vijayapandi
4. Dhinesh Babu

... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by,
The Sub Inspector of Police,
Vachakkarapatti Police Station,
Virudhunagar Taluk, Virudhunagar District.
In Crime No.150/2021. ... Respondent/Complainant

For Petitioner : Mr.G.Mariappan,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

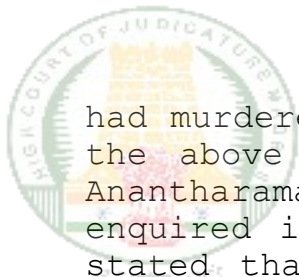
PRAYER :-For Bail in Crime No.150 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The accused no.4 has surrendered on 24.08.2021 before the Magistrate concerned and accused nos.1 to 3 were arrested on 21.08.2021, for the offence punishable under Sections 341, 294(b), 302 and 506(ii) I.P.C alter into Sections 120(B), 341, 294(b), 302 and 506(ii) I.P.C, in Crime No.150 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity with regard to the death of the fourth accused's father namely Lakshmanan, on 20.08.2021, these petitioners conspired together, followed the deceased Anantharaman in two motor cycles and had indiscriminately assaulted him with knife and sickle and caused his death. Hence, the complaint.

3.The learned counsel for the petitioners submits that one Lakshmanan who died in a motor accident was the relative of the accused persons thought that the deceased Anantharaman



had murdered the Lakshmanan and made it as an accident case. Due to the above motive, all the accused persons planned to murder the Anantharaman. He further submitted that the said Anantharaman was enquired in the case of Lakshmanan's murder, where he had clearly stated that there was no motive between himself and the deceased Lakshmanan. Therefore, the theory of murder on that reason is not true. The fourth accused's name was not found in the FIR. However, he voluntarily surrendered before the learned Judicial Magistrate No.I, Virudhunagar on 24.08.2021. The deceased Anantharaman was having cluster of enemies in number of cases and some other accused might have murdered the deceased Anantharaman. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. They are languishing in jail for more than two months and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed. Hence, he opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioners, the voluntary surrender of the fourth 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.1, Virudhunagar 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 report before the respondent Police daily at 10.30 a.m until further orders.

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

[d] the petitioners 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 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



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

sd/-
25/10/2021

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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 NO.I,
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE
VACHAKKARAPATTI POLICE STATION,
VIRUDHUNAGAR TALUK, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15511 of 2021
Date :25/10/2021

MK/TR/SAR.IV/25.10.2021/3P/6C