



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15802 of 2021

1.Manikandan
2.Pethu

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Devakottai Taluk Police Station
Sivagangai District.
Crime No.231 of 2021.

... Respondent/Complainant

For Petitioners : Mr.G.Karuppasammy Pandiyan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.231 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 01.08.2021 for the offence under Sections 341, 294(b), 307, 506(ii) and 302 I.P.C in Crime No.231 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, on 31.07.2021, the accused persons wrongfully restrained the defacto complainant and his family members, assaulted them and committed the offence of murder. Hence, the complaint.

3.The learned counsel for the petitioners would submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. On the date of occurrence, the deceased along with the complainant parties assaulted the first accused indiscriminately and made him to fall. Due to that, the first accused got provoked and stabbed the deceased. Admittedly, it



is not a case of pre-planned or intentional murder. He further submitted that the petitioners are in judicial custody for the past 73 days and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the first petitioner/A1 is having one previous case and there no adverse antecedent as against the second petitioner/A2. He would further submit that the investigation is yet to be completed.

5.Considering the previous antecedent of the first petitioner/A1, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed as against the first petitioner/A1.

6.Considering the facts and circumstances of the case, the fact that the petitioner has not involved in any further offence and also the period of incarceration, this Court is inclined to grant bail to the second petitioner/A2 with certain conditions.

7.Accordingly, the second petitioner/A2 is ordered 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 Judicial Magistrate, Devakottai 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 second petitioner/A2 shall report before the respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the second petitioner/A2 shall not abscond either during investigation or trial.

[d] the second petitioner/A2 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 second petitioner/A2 in accordance with law as if the conditions have been imposed and the second petitioner/A2 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.



9. Accordingly, this Criminal Original Petition is partly allowed.

sd/-
12/10/2021

/ TRUE COPY /

/ /2021

WEB COPY

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, DEVAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15802 of 2021
Date :12/10/2021

MSA
MS/VR/SAR-2/12.10.2021/3P.6C