



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.15852 of 2021

1.Siranjeevi
2.Surya Prashanth ... Petitioners/Accused Nos.8 &9

Vs

The State rep.by
The Inspector of Police,
Sessions Court Police Station
Trichy City
Crime No.260 of 2021. ... Respondent/Complainant

For Petitioners :Mr.JAMEEL ARASU,
Advocate.
For Mr.S.PAUL MURUGESH
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.260 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A8 and A9, who were arrested and remanded to judicial custody on 09.08.2021 for the offence under Sections 147, 148, 341, 120(b) and 302 I.P.C, in Crime No.260 of 2021 on the file of the respondent police, seek bail.

3. The case of the prosecution is that on 09.05.2021, all the accused went to the place of occurrence in motor cycles with swords and sickles and murdered the deceased. Hence, the complaint.

4.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. The petitioners' name not found in the F.I.R and based on the confession statement of the co-accused, they have been implicated in this case and there is no specific overt act attributed as against the petitioners at any point of time. He further submitted that petitioners are in judicial custody for the past 62 days and hence, he seeks for grant of bail.



5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the first petitioner/A8 has provided dress to the accused persons after the incident had taken place and there is no adverse antecedent as against him. The second petitioner/A9 has received a sum of Rs.1,20,000/- from the first accused and handed over the same to accused no.10, the henchman, who caused death of the deceased and he is having one previous case to his credit. He would further submit that based on the confession statement of co-accused, they have been arrested and remanded to judicial custody and the investigation in this case is yet to be completed.

6.Considering the facts and circumstances of the case, the overt act attributed as against the petitioners and also the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

7.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 Judicial Magistrate No.II, Trichy 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 petitioners 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 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 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 229A IPC.

sd/-

12/10/2021

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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.II
TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION
TRICHY CITY
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15852 of 2021
Date : 12/10/2021

SA/PN/SAR.2/12.10.2021/3P/6C