



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

Date : 07/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.15905 of 2020

Viswanathan

... Petitioner/Accused No.15

Vs

The State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.111 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Muthu Saravanan,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.111 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A15, who was arrested and remanded to judicial custody on 13.10.2020 for the offences punishable under Sections 147, 148, 341, 364, 323,324,120(b) of IPC @ 302 and 201 of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that A1 was having gold transactions with the deceased, due to which there was a quarrel between them. Therefore A1 decided to do away the life of the deceased and engaged the petitioner and the other accused persons who are hirelings and they abducted the deceased and attacked him with deadly weapons, due to which he sustained grievous injuries and died. Thereafter the petitioner and all the accused persons jointly cut the body of the deceased and screened the entire evidence.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



case. He would also submit that co-accused in this case were arrested and released on bail. He would also submit that the petitioner is in jail for more than 84 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that this is the second bail petition and the earlier petition was dismissed by this Court on 03.12.2020. He would also submit that some of the co-accused were released on bail.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the co-accused were released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.00p.m., until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/01/2021

/ 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.

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TO

- 1.THE JUDICIAL MAGISTRATE No. II,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15905 of 2020
Date :07/01/2021

AAV
TK/PN/SAR.4/07.01.2021/3P/6C