



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16361 of 2021

M.Satheeshkumar @ Vinoth

... Petitioner/Accused No.6

Vs

The State rep.by
The Sub Inspector of Police,
Thiruthangal Police Station
Virudhunagar District
Crime No.396 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.MAHESWARAN
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR
Additional Public Prosecutor

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

PRAYER :-

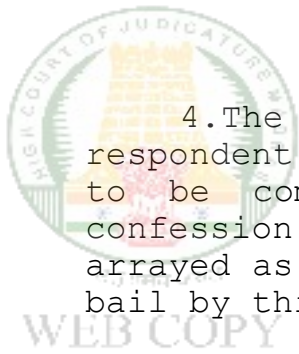
For Bail in Crime No.396 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested on 19.08.2021 for the offence under Section 302 @ Sections 302, 120(B), 147, 342, 364 and 201 I.P.C., in Crime.No.396 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the wife of the deceased. On 18.08.2021, the deceased Santhanakumar was lying near Enjar Kanmai in an unconscious manner with rope marks on his neck and he was taken to Government Hospital, Sivakasi where he died. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that based on the confession statement given by the first accused, the petitioner was implicated in this case. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The co-accused in this case has been enlarged on bail by this Court in Crl.OP(MD).No.14870 of 2021 on 21.10.2021. The petitioner is in jail from 19.08.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that that the investigation is yet to be completed. He would further submit that based on the confession statement of the co-accused, the petitioner has been arrayed as accused and accused nos.4 and 5 have already been granted bail by this Court.

5.Considering the facts and circumstances of the case, the manner in which the petitioner has been added as accused, the co-accused have already been granted bail by this Court and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner 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 learned Judicial Magistrate No.II, Sivakasi 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.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 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/-

27/10/2021

/ 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 JUDICIAL MAGISTRATE NO.II
SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

4 THE SUB INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION
VIRUDHUNAGAR DISTRICT

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

ORDER

IN

CRL OP(MD) No.16361 of 2021

Date :27/10/2021

SA/SKN/SAR.2/27.10.2021/3P/6C