



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.16358 of 2021

Ganesh Kumar

... Petitioner/6th Accused

Vs

The State rep.by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Cr.No.305 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.POORNACHANDRAN,
Advocate.

For Respondent : Mr.T.SETHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :-

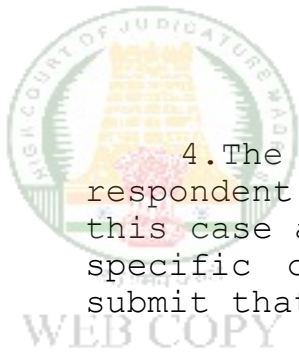
For Bail in Crime No.305 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested on 06.08.2021, for the offence punishable under Sections 147, 148, 120B, 294(b), 341 and 302 I.P.C., in Crime No.305 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the deceased and the accused are friends. while consumption of drugs, there was a quarrel between the deceased and the accused. The accused persons assaulted the deceased with sickle and caused his death. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner's name was not found in the FIR and he was not present in the scene of occurrence. Since the petitioner is the friend of the accused, his name was implicated in this case by the respondent police. He further submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is inside the prison for more than 75 days and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that totally there are 8 accused in this case and the petitioner is arrayed as accused no.6. There is no specific overt act as against the petitioner. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, admittedly the petitioner was not present in the scene of occurrence as per the version of the eye witness to the occurrence and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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.I, Sivakasi 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 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 is 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.I
SIVAKASI.

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

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

**ORDER
IN**

CRL OP(MD) No.16358 of 2021
Date :27/10/2021

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