



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16938 of 2021

Venkat Anand @ Anand

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Cr.No. 930 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.KARUNANITHI,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.930 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 who was arrested and remanded to judicial custody on 24.09.2021 for the offence under Sections 147, 148, 294(b) and 302 I.P.C, in Crime No.930 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased one Udhayakumar was employed in A1's mutton stall and thereafter, he started a separate mutton stall and hence, there was a dispute between them and on 04.07.2020, the accused persons assaulted the deceased with sickle and caused death. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he is inside the prison from 24.09.2021. He further submits that the investigation is completed and absconding charge sheet has been filed on 01.10.2021. He further submits that other accused have been enlarged on default bail by the learned Judicial Magistrate, Papanasam, Thanjavur District. Hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police submits that the first accused conspired with the other accused and murdered the deceased. He further submits that the investigation is completed and absconding charge sheet has also been filed.

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5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the investigation is completed and absconding charge sheet has also been filed, this Court is inclined to grant bail to the petitioner on certain conditions.

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, Papanasam, Thanjavur District 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 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]** any

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/11/2021

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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
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16938 of 2021

Date :01/11/2021

SA/VR/SAR.1/01.11.2021/3P/6C