



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

Date : 29/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16797 of 2021

Murugesan

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
Crime No.203 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.K.Ramakrishnan,
Advocate.

For Respondent : Mr.R.Meenakshi sundaram
Additional Public Prosecutor.

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

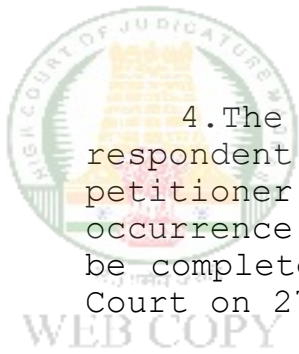
PRAYER :-For Bail in Crime No.203 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/4th accused, who was arrested and remanded to
judicial custody on 16.09.2021 for the offence punishable under
Sections 147, 148, 120B, 294(b) and 302 I.P.C, in Crime No.203 of
2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to election motive
and previous enmity between the parties, on 15.09.2021 at around
11.30 a.m, the accused persons formed an unlawful assembly with
deadly weapons and abused the deceased in filthy language and they
committed the offence of murder. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit
that the petitioner, who is aged about 70 years did not commit any
offence as alleged by the prosecution and there was no allegation
that he attacked the deceased. This Court granted anticipatory bail
to the fifth accused in Crl.OP(MD).No.14156 of 2021 on 27.09.2021.
The petitioner is in jail from 16.09.2021 and hence, he seeks for
grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the allegation as against the petitioner is that he was holding a weapon at the time of occurrence. He would further submit that the investigation is yet to be completed and accused no.5 was granted anticipatory bail by this Court on 27.09.2021.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the fact that the co-accused has been granted anticipatory 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, Thirupuvanam, Sivagangai 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 report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with the 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 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 229A IPC.

sd/-
29/10/2021

/ 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,
THIRUPUVANAM, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16797 of 2021
Date :29/10/2021

msa
MK/VR/SAR.II/29.10.2021/3P/6C