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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17076 of 2021

Haripriyan

... Petitioner/Accused No.3

Vs

State through  
The Sub Inspector of Police,  
Sivakasi Town Police Station,  
Sivakasi, Virudhunagar District.  
In Crime No. 305 of 2021

... Respondent/Complainant

For Petitioner : Mr.M.Ram Kumar,  
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. 305 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 04.08.2021, 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 persons are friends. There was a dispute between the deceased and the accused persons while consuming drugs. On 04.08.2021, when the deceased was at his home, the petitioner/A3 called the deceased through phone and asked him to come to the scene of occurrence and thereafter, the petitioner/A3 along with other 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 is an innocent and he has not committed any offence as alleged by the prosecution. However, he is inside the prison from 04.08.2021. He further submits that A5 has been already enlarged on bail. Hence, he seeks for grant of bail.

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4.The learned Additional Public Prosecutor appearing for the respondent police submits that totally there are 8 accused in this case and the petitioner is arrayed as accused No.3. The overt act against the petitioner is that he called the deceased through phone and asked him to come to the scene of occurrence. He further submits that A5 was already enlarged on bail by this Court in CrI.OP (MD)No.14882 of 2021 dated 25.10.2021

5.Considering the facts and circumstances of the case, the period of incarceration and also the fact that A5 was already enlarged on bail by this Court in CrI.OP(MD)No.14882 of 2021 dated 25.10.2021, 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/-

01/11/2021

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/ /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  
SIVAKASI, VIRUDHUNAGAR DISTRICT
  5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.RAMKUMAR, Advocate ( SR-7721[I] dated 01/11/2021 )

ORDER  
IN  
CRL OP(MD) No.17076 of 2021  
Date : 01/11/2021

VB/PN/SAR-I/01.11.2021/3P/7C