



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.18132 of 2021

1.Ananthakrishnan
2.Nagarajan
3.Elangovan

: Petitioners/Accused Nos.2,3 and 4

Vs

The Inspector of Police,
Thirukattupalli Police station,
Thanjavur District.
Crime No.557 of 2021).

: Respondent/Complainant

For Petitioners: M/s.Raja Karthikeyan
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.557 of 2021 on the file of the respondent police.

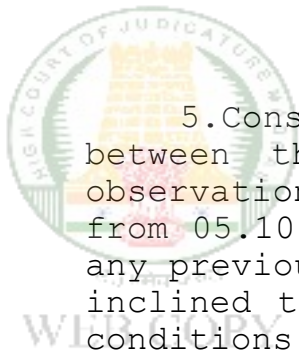
ORDER : The Court made the following order :-

The petitioners/Accused Nos.2,3 and 4, who were arrested and remanded to judicial custody on 05.10.2021 for the offences punishable under Sections 294(b), 342, 302 and 34 of IPC in Crime No.557 of 2021, on the file respondent police, seek bail.

2.The case of the prosecution is that in the quarrel between the petitioners herein and other accused and defacto complainant and her husband, the defacto complainant's husband was murdered by the accused persons. Hence the complaint.

3.The learned counsel for the petitioner would submit that the first accused, who is a juvenile, was sent to observation home.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case has been filed against the petitioners herein.



5.Considering the facts that there existed a previous enmity between the parties, that the first accused was sent to the observation home and that the petitioners are in judicial custody from 05.10.2021 and also the fact that the petitioner is not having any previous case for the similar or serious offences, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruvaiyaru, Thanjavur District and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioners shall not tamper with evidence or witness.

iv)the petitioners shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/11/2021

/ 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,
THIRUVAIYARU, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
PUDUKOTTAI DISTRICT JAIL, PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-8560[I] dated
26/11/2021)

ORDER

IN

CRL OP(MD) No.18132 of 2021

Date :26/11/2021

PNN

MS/PN/SAR-1/26.11.2021/3P.7C