



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03.12.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18219 of 2021

Naveen @ Kannan

... Petitioner/5th Accused

Vs

The State rep.by,
The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.
In Crime No.402 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL UNDER SEC.439 OF CR.P.C.

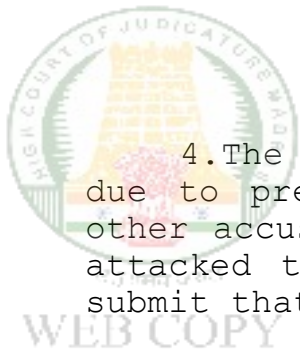
PRAYER :-For Bail in Crime No.402 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/5th accused, who was arrested and remanded to judicial custody on 20.09.2021 for the offences punishable under Sections 147, 148, 341, 294(b), 302 and 506(ii)IPC in Crime No.402 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the de-facto complainant, A1 and A2 attacked the deceased with aruval on the head and the third accused attacked him with aruval on the shoulder and all the accused threatened the de-facto complaint and his wife. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested on 20.09.2021 in respect of the case in Crime No.404 of 2021, subsequently, formal arrest was made and on PT Warrant and he was produced and remanded to judicial custody on 01.10.2021 so far as <https://hcsresports.com/hcsres/> is concerned. Hence, he seeks bail.



4.The learned Additional Public Prosecutor would submit that due to previous enmity, on 15.09.2021, the petitioner along with other accused waylaid the deceased and the de-facto complainant and attacked the deceased and caused death to him. He would further submit that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner was arrested on 20.09.2021 in respect of the case in Crime No.404 of 2021, and subsequently formal arrest was made and on PT Warrant, he was produced and remanded to judicial custody on 01.10.2021 so far as the present case is concerned and that the investigation is pending, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, 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 Court, Ambasamudram, Tirunelveli District.

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 petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

iv) the petitioner 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 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].

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

sd/-
03/12/2021

/ 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 COURT,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
AMBASAMUDRAM POLICE STATION, AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to Mr.N.PRAGALATHAN, Advocate (SR-8844[I] dated 03/12/2021)

ORDER
IN
CRL OP(MD) No.18219 of 2021
Date :03/12/2021

SJI
MK/PN/SAR.III/03.12.2021/3P/7C