



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

Date : 13/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.19625 of 2021

1.S.Madathi
2.E.Manikandan

... Petitioners/ Accused 20 & 21

Vs

The State rep.by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Crime No.646 of 2021)

... Respondent/Complainant

For Petitioners : Mr.M.MAHARAJAN,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of
Tamil Nadu (Criminal Side)

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

PRAYER :- For Bail in Crime No.646 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

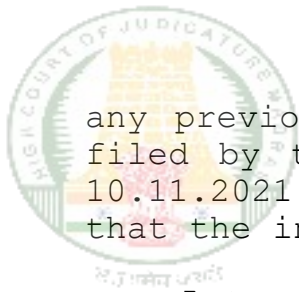
The petitioners/accused A.20 & A.21, who were arrested and remanded to judicial custody on 30.09.2021 for the offences punishable under Sections 147, 148, 294(b), 302, 506(ii) IPC altered into 147, 148, 149, 294(b), 302, 506(ii) IPC r/w 109, 120B and 212 IPC in Crime No.646 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the deceased in this case was involved in another murder case and 20 days prior to this occurrence, he came out on bail. In retaliation of above murder, on 15.09.2021 the accused persons conspired together and cause murder of the deceased. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent, they have been falsely implicated in this case and have not committed any offence as alleged by the prosecution. He would also submit that the petitioners are in judicial custody from 30.09.2021, hence, he seek bail.

4.The learned Government Advocate (Criminal Side) for the respondent police would submit that the petitioners are not having

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any previous cases for similar in nature and the earlier petition filed by the petitioners was dismissed by this Court order dated 10.11.2021 in Crl.O.P.(MD)No.17329 of 2021. He would further submit that the investigation is pending.

5.Considering the facts and circumstances of the case and also the facts that the petitioners are in judicial custody from 30.09.2021, that the investigation might have been completed by this time and that the petitioners are not having any previous cases for similar or serious offence, 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 No.I, Tirunelveli.

(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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/12/2021

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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
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE OFFICER INCHARGE,
KOKKARAKULAM SUBJAIL (WOMEN PRISON)
INSIDE COLLECTRATE PREMISES
TIRUNELVELI DISTRICT.

5 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MAHARAJAN M Advocate SR.No.9175

ORDER

IN

CRL OP(MD) No.19625 of 2021

Date :13/12/2021

SA/PN/SAR.4/13.12.2021/3P/8C