



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

Date : 29/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18683 of 2021

WEB COPY

CHANDRU

... PETITIONER/ACCUSED NO.3

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 696 OF 2021).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S. SENTHIL.D.,
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. 696 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 10.09.2021 for the offence punishable under Sections 341 & 302 IPC, in Crime No. 696 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the the petitioner and the defacto complainant, the petitioner along with other accused persons attacked the son of the defacto complainant with deadly weapons and caused grievous injuries. Though he was admitted in the hospital, he succumbed to the injuries. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and he is in judicial custody from 10.09.2021 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 5 accused. A1, A2 & A3 already released on bail by the Sessions Court, on 25.11.2021. He



would further submit that First Information Report in Crime No.696 of 2021, registered for the offence under Sections 341 & 302 IPC, was subsequently, altered into 341, 302, 324 & 212 IPC.

5.Considering the fact that there existed previous enmity between the parties, and considering the facts that the petitioner is in judicial custody from 10.09.2021, and that the co-accused were already granted bail by the Principal District & Sessions Court, Ramanathapuram, in Cr.MP.No.2993 of 2021, dated 25.11.2021, 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 No.II, Ramanathapuram.

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/-
29/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss



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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE COURT NO.II, RAMANATHAPURAM.
 - 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3.THE OFFICER IN-CHARGE,
THE DISTRICT PRISON, RAMANATHAPURAM..
 - 4.THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC TO M/S.D.SENTHIL,ADVOCATE SR.NO.8602 DATED:29/11/2021

ORDER
IN
CRL OP(MD) No.18683 of 2021
Date :29/11/2021

GC/SKN/SAR-2 (29.11.2021) 3P 7C