



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP (MD)No. 20272 of 2021

Velpandi

... Petitioner/Accused No.17

-vs-

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

... Respondent/Complainant

For Petitioner : Mr.V.Angusamy, Advocate
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

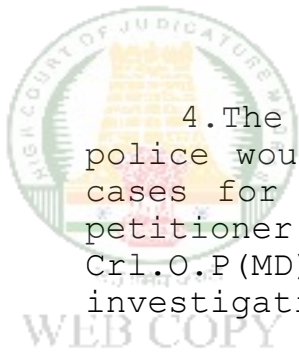
For Bail in Crime No.646 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.17, who was arrested and remanded to judicial custody on 27.09.2021 for the offences punishable under Sections 147, 148, 294(b), 302, 506(ii) altered into 147, 148, 149, 294(b), 302, 506 (ii) r/w 109, 120 (B) and 212 of IPC in Crime No.646 of 2021 on the file of the respondent police, seeks 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 petitioner submits that the petitioner is innocent, he has been falsely implicated in this case and has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is in judicial custody from 27.09.2021, hence, he seeks bail.



4.The learned Additional Public Prosecutor for the respondent police would submit that the petitioner is not having any previous cases for similar in nature and the earlier petition filed by the petitioner was dismissed by this Court order dated 26.11.2021 in Crl.O.P(MD) No.18601 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 petitioner is in judicial custody from 27.09.2021, and that the investigation might have been completed by this time and that the petitioner is not having any previous cases for similar or serious offence, 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 No.1, Tirunelveli.

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am. until further orders.

[c] the petitioner shall not tamper with evidence or witness.

[d] the petitioner shall not abscond during 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/12/2021

/ TRUE COPY /

20/12/2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1.The Judicial Magistrate No.1,
Tirunelveli.

2.Do Through The Chief Judicial Magistrate,
Tirunelveli.

3.The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli.

4.The Inspector of Police,
Palayamkottai Police Station,
Thirunelveli District

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP (MD) No.20272 of 2021

Date :20/12/2021

RS/PN/SAR1(20.12.2021) 3P-6C