



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

Date : 09/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4265 of 2022

1. Velmurugan,
2. Mari

... Petitioners/Accused No.1 & 6

Vs

The State rep.by,
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.
(Crime No.590/2021)

... Respondent/Complainant

For Petitioner : MR.J.Sankara Pandian,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.590 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A.1 and A6, who were arrested and remanded to judicial custody on 14.12.2021 for the offences punishable under Sections 341, 147, 148, 294(b), 324, 307, 120(b) and 302 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.590 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused had attacked the de-facto complainant and others with deadly weapons and caused the death of one Azhagumurugan and also damaged the public property. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they are no way connected with the alleged occurrence. He would further submit that A2 was already arrested and released on bail by this Court in Crl.O.P.(MD)No.1716 of 2021 on 14.02.2022.



4. When the matter is taken up for hearing today, the Sub-Inspector of Police, attached to the Paramakudi Town Police Station is present before this Court.

5. The learned Additional Public Prosecutor, on instructions, would submit that first petitioner is the son of the second petitioner and that during investigation, the respondent police came to know that the petitioners were not present at the occurrence place.

6. Considering the nature of charges levelled against the petitioners and also taking note of the fact that the petitioners are in judicial custody from 14.12.2021 and also the facts that A2 was already granted bail by this Court and that the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. 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, Paramakudi, Ramanathapuram 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 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/-
09/03/2022

/ TRUE COPY /

09/03/2022
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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4265 of 2022
Date :09/03/2022

SJI
MK/PN/SAR.I/09.03.2022/3P/6C