



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/04/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.7046 of 2022

WEB COPY

Vinister @ Anton Xavier Vinister

... Petitioner/Accused No.7

Vs

The State Rep. By,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No. 337 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Anand.R.,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 337 of 2021 on the file of the respondent police.

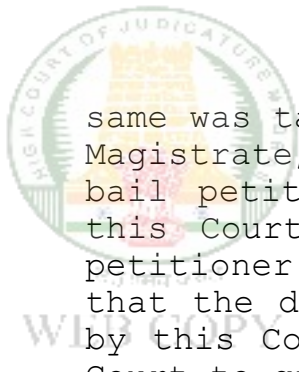
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

2.The petitioner/A7, who was arrested on 06.09.2021, for the offence punishable under Sections 147, 148, 109 and 302 IPC, in Crime No.337 of 2021, on the file of the respondent police, seeks bail.

3.The case of the prosecution is that on 28.08.2021, due to previous enmity, all the accused persons including the petitioner/A1, unlawfully assembled together with weapons and attacked the deceased with aruval indiscriminately and caused death. Hence, this complaint.

4.The learned counsel for the petitioner submits the petitioner was arrested on 06.09.2021 and he was arrayed as A7 in this case. The alleged overt act as against this petitioner is that he was also present in the scene of occurrence and guarded the other accused persons. He further submits that the investigation in this case has been completed and charge sheet was also filed and the



same was taken on file in PRC No.12 of 2021, by the learned Judicial Magistrate, Radhapuram. He further submits that this is the third bail petition. The earlier two bail petitions were dismissed by this Court on 28.10.2021 and 24.03.2022, on the ground that the petitioner was detained under Act 14 of 1982. He further submits that the detention orders passed against the petitioner was quashed by this Court on 11.04.2022. Hence, the learned counsel prays this Court to grant bail to the petitioner.

5.The learned Government Advocate(Crl.side) appearing for the respondent also admits that the detention order passed against the petitioner was quashed by this Court. However, he submits that apart from this case, two other cases are also pending as against this petitioner. Investigation in this case has already been completed and final report was filed and pending in the PRC stage.

6. Considering the submissions made on either side and considering the facts such as, the overt act attributed as against this petitioner, the period of incarceration, completion of investigation in this case and also considering the fact that the detention order passed against the petitioner was quashed by this Court on 11.04.2022, this Court is inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed and 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, Tirunelveli on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 as and when required for interrogation.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or 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/-
13/04/2022

WEB COPY

/ TRUE COPY /

13/04/2022
Sub-Assistant Registrar (C.S-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
 3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.ANAND, Advocate (SR-3329[I] dated 13/04/2022)

ORDER
IN
CRL OP(MD) No.7046 of 2022
Date :13/04/2022

vrn
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