



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

Date : 20/04/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7269 of 2022

1. Dhivan
2. Raja @ Katraja ... Petitioners/Accused Nos.1&5

Vs

The State Rep. By,
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
Crime No.260 of 2021. ... Respondent/Complainant

For Petitioners : M/s.Karuppasamy Pandiyan G,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioners on bail in P.R.C.No.1 of 2022 on the file of the learned Judicial Magistrate No.I, Srivilliputhur in Crime No.260 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A5, are facing a case for the offence punishable under Sections 147, 148, 341, 294(b), 323, 302 and 506 (ii) of IPC in P.R.C.No.1 of 2022 on the file of the learned Judicial Magistrate No.I, Srivilliputhur in crime No.260 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the deceased, on 15.11.2021, the petitioners and other accused waylaid the deceased and his relative, abused them in filthy language, assaulted the deceased with deadly weapons and thereby, the deceased died. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the co-accused were already arrested and released on bail by this Court.

4.The learned Additional Public Prosecutor would submit that the detention order was quashed as against the second petitioner and that the petition in respect of the first petitioner is pending. He would further submit that the investigation has already been completed and the charge sheet has already been filed and the case was taken on file in P.R.C.No.1 of 2022 and the same is now pending on the file of the learned Judicial Magistrate No.I, Srivilliputhur.

5.The learned counsel for the petitioners would further submit that pending of detention order is not a bar for granting bail to the petitioners.

6.Considering the above facts and circumstances of the case and also the facts that the petitioners are in judicial custody from 18.11.2021, that the co-accused were already granted bail by this Court and that the case is now pending before the committal Court, 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 No.I, Srivilliputhur.

(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 Committal Court on all working days 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/-
20/04/2022

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/ TRUE COPY /

20/04/2022
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 NO.I,
SRIVILLIPUTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7269 of 2022
Date : 20/04/2022

sj i
USK/PN/SAR-IV/20.04.2022/3P/6C