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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18259 of 2022

V.Sathish Kumar @ Satheeshkumar

... Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
(Cr No.110/2022.)

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

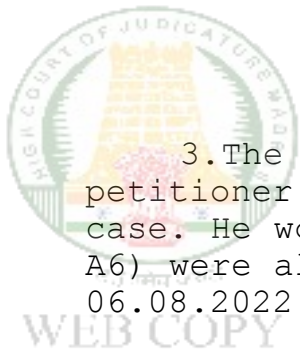
PRAYER :-

Bail in Cr.No.110/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 06.08.2022 for the offences punishable under Sections 143, 294(b), 323 and 302 of IPC, in crime No.110 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.07.2022, at about 09.30 p.m, the deceased along with his friends went to see the temple kodai festival. At about 11.30 p.m, the petitioner along with other accused made disturbance to the other people by whistling and dancing. When the same was questioned by the defacto complainant party, the petitioner along with other accused attacked the deceased and others with hands and pushed him into the well and caused death of him. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused (A1, A2, A3, A4, & A6) were already released on bail and he is in judicial custody from 06.08.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. side) would submit that totally 7 accused are involved in this case. The petitioner herein was arrayed as A5. 24 witnesses have been examined. The investigation is not yet completed. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also considering the fact that already 24 witnesses have been examined, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Sankarankovil.

(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].

sd/-

13/10/2022

/ TRUE COPY /

14/10/2022

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, 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

1. The Judicial Magistrate,
Sankarankovil.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent,
Central Jail, Palayamkottai..
4. The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.18259 of 2022

Date :13/10/2022

RK/GB/SAR-1(14/10/2022) 3P/6C