



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

PRESENT

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

CRL OP(MD). No.19429 of 2022

1. Periyasamy

2. Saravanakumar @ Saro

... Petitioners/Accused No.2&4

Vs

The State rep.by

The Inspector of Police,

Sivakasi Town Police Station,

Virudhunagar District.

Cr.No.258/22.

... Respondent/Complainant

For Petitioner : M/s.Veerapandi Selvaraj S,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 258/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2&4, who were arrested and remanded to judicial custody on 24.07.2022 for the offences punishable under Sections 147, 148, 294(b), 302, 323, 342 and 365 of IPC, in crime No.258 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity, on 24.07.2022, at about 02.00 p.m, when the son of the defacto complainant along with his friends proceeding towards shop, the accused persons came there and abused the son of the defacto complainant in filthy language, kidnapped, assaulted and murdered him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the co-accused (A6) was released on bail by this Court on 14.10.2022 and the petitioners are



in judicial custody from 24.07.2022. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that charge sheet was filed before the concerned Court and the same was not taken on file. The co-accused (A6) was released on bail by this Court. But, however, considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the facts that charge sheet was filed before the concerned Court and co-accused was released on bail by this Court, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Sivakasi.

(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 on all working days 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/11/2022

/ TRUE COPY /

03/11/2022

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

DSS

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,
Sivakasi.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at srivilliputhur.
3. The Officer incharge,
Sub Jail, Virudhunagar.
4. The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.S.Veerapandi, Advocate, SR.No. 12331.

CRL OP(MD) No.19429 of 2022
Date :03/11/2022

KB/SBN(03.11.2022) 3P 7C