



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.12.2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.18800 & 18942 of 2021

Ayyappan

.. Petitioner/Accused No.2
in Crl.O.P.(MD).No.18800 of 2021

Ramamoorthy

.. Petitioner/Accused No.1
in Crl.O.P.(MD).No.18942 of 2021

Vs.

State rep. by,
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(In Crime No.173 of 2021)

.. Respondent/Complainant
in both the petitions

For Petitioners: Mr.G.Mariappan, Advocate.
(In Crl.O.P.(MD).No.18800 of 2021)
Mr.B.Senthil Kumar, Advocate.
(In Crl.O.P.(MD).No.18942 of 2021)

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
in both petitions

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

PRAYER :-For Bail in Crime No.173 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A1 herein, who were arrested on 04.10.2021 for the alleged offence under Sections 294(b), 326, 109 IPC @ 294(b), 307 IPC, in Crime No.173 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that when Accused No.1 and injured were come by auto owned by Accused No.2, the Accused No.1 and other unknown persons in drunken mood, involved in

<https://hccpc.courts.gov.in/hccpcservices>



quarrel with the injured and also assaulted with iron rod. At that time, the injured jumped out of the auto, due to which, he suffered injuries and his right leg was amputated. Hence, the complaint.

3.The learned counsel for the Accused No.2 submitted that the Accused No.2 is innocent and he was only driving the auto at the time of alleged occurrence. The learned counsel for the Accused No.1 submitted that the Accused No.1 has not committed any offence as alleged by the prosecution and he is an innocent person. He would further submitted that without knowing the fact and cause, the offence has been taken place. Because of some other complications only his leg has been amputated.

4.The learned Additional Public Prosecutor submitted that the injured in this case has been discharged from the hospital on 04.12.2021. However, his right leg was amputated. There was a sudden quarrel between the injured and as well as the first and second accused persons. It appears that without any motive, they assaulted the injured. However, there is no previous case against the petitioners.

5.Considering the nature of offence committed by the petitioners, the fact that the injured has been discharged from the hospital, the petitioners are having no previous cases and the investigation is almost over, this Court is inclined to grant bail to the petitioners on stringent conditions, considering the duration of custody.

6.Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail, on executing a personal 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.II, Virudhunagar, and on further condition that the petitioners shall report before the respondent police daily twice at 10.30 a.m. and 5.00 p.m. until further orders.

sd/-

08/12/2021

/ TRUE COPY /

/ /2021

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.II,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
KARIYAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.G.MARIAPPAN, Advocate (SR-8966[I] dated 08/12/2021)

ORDER

IN

CRL OP (MD) . Nos.18800 &
18942 of 2021

Date :08/12/2021

TM

MK/PN/SAR.IV/09.12.2021/3P/8C