



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.2630 of 2022

1.Thangapandi
2.Vinayagamurugan
3.Karuppasamy @ Periyakaruppusamy
4.Balamurugan ... Petitioners/1st to 4th Accused

Vs

State Rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.218/2021). ... Respondent/Complainant

For Petitioners : Mr.S.Poornachandran
Advocate.
For Respondent : Mr.R.Suresh Kumar,
Government Advocate

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

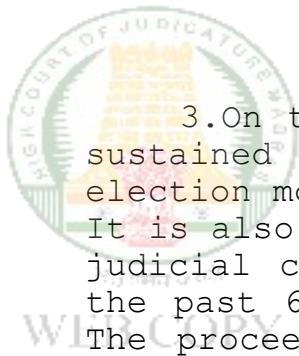
PRAYER :-

For Bail in Crime No.218 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who was arrested on 10.12.2021 for the alleged offence under Sections 341, 294(b), 307 of IPC, in Crime No.218 of 2021, on the file of the respondent police, seek bail.

2.The case against the petitioners is that due to local body election, in the year 2011 a dispute arose between the two groups. The defacto complainant's group murdered one Soundarapandian, who belong to the other group. For the wreck of vengeance, on 10.12.2021 at around 6 p.m, the petitioners waylaid the defacto complainant and tried to assault him with Aruval. Somehow, the defacto complainant escaped from the attack and ran away from the spot. Thereafter, as per the complaint given by the defacto complainant, FIR was registered in Crime No.218 of 2021.



3.On the side of the petitioners, it is stated that no one has sustained injury in the alleged occurrence. Only based on the election motive, a false case was foisted against these petitioners. It is also stated that the petitioners were arrested and remanded to judicial custody on 10.12.2021. They are in judicial custody for the past 60 days. There is no overt act against the petitioners. The proceeding against the petitioners under Section 122(1)(b) of Cr.P.C. was already quashed by this Court in Crl.R.C.(MD)Nos.41 of 2022 to 44 of 2022. Hence, he prays for grant of bail.

4.On the side of the prosecution, it is stated that the petitioners tried to murder the defacto complainant by using Aruval. It is also stated that the first petitioner is having nine previous cases, the second petitioner is having three previous cases, the third petitioner is having two previous cases and the fourth petitioner is having one previous case and an order under Section 122 Cr.P.C proceedings was passed against these petitioners and prayed the petition to be dismissed.

5.Considering the fact that the proceeding under Section 122 (1)(b) of Cr.P.C was already quashed by this Court and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is 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, Madurai, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

08/02/2022

/ TRUE COPY /

08/02/2022

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.II,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

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

4 THE OFFICER INCHARGE,
SUB JAIL, ARUPPUKOTTAI.

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

ORDER

IN

CRL OP(MD) No.2630 of 2022

Date :08/02/2022

RS/VR/SAR.4(08.02.2022) 3P-6C