



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.3666 of 2022

1. Murugalingam
2. Vilvadurai

... Petitioners/Accused 1 & 3

Vs

State Rep. by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Crime No.60/2021

... Respondent/Complainant

For Petitioners : Ms.Lakshmi Gopinathan, Advocate
for M/s.Polax Legal Solutions
For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

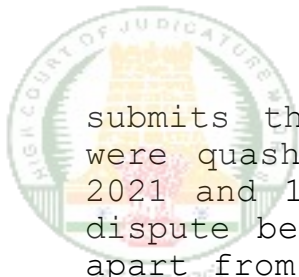
For Bail in Crime No.60 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A3, who were arrested on 11.03.2021 for the offence punishable under Sections 341, 294(b), 324 and 307 IPC @ Section 302 IPC in Crime No.60 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 10.03.2021, the petitioners along with another accused attacked one Subramania Siva, son of Muruganandham, with deadly weapons and caused serious injuries, due to which, the said Subramania Siva died.

3.The learned counsel for the petitioners submits that this is the third bail petition. The earlier two bail petitions were dismissed by this Court on 09.06.2021 and 08.09.2021 on the ground that the petitioners were detained under Act 14 of 1982. She further



submits that the detention orders passed against the petitioners were quashed by this Court on 10.02.2022, in H.C.P.(MD)Nos.999 of 2021 and 1004 of 2021. She further submits that due to the family dispute between the parties, the alleged occurrence took place and apart from this case, the petitioners are not involved in any other case.

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4.The learned Additional Public Prosecutor appearing for the respondent also admits that the detention order passed against the petitioners were quashed by this Court.

5.Considering the change of circumstances and the period of incarceration and also considering the fact that the detention order passed against the petitioners were quashed by this Court, this Court is inclined to grant bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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, Kadaladi on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not abscond either during investigation or trial.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/02/2022

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24/02/2022

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.

WEB COPY

1 THE JUDICIAL MAGISTRATE,
KADALADI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-1459[I] dated
24/02/2022)

ORDER

IN

CRL OP(MD) No.3666 of 2022

Date :24/02/2022

RS/VR/SAR.4(24.02.2022) 3P-7C