



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4179 of 2022

1.Murugan
2.Mugeshkannan

: Petitioners/1st & 2nd Accused

Vs

State Rep.by
The Inspector of Police,
Kadaladi, Ramanathapuram.
(Cr.No.260/2021).

: Respondent/Complainant

For Petitioners : M/s.Anandha Kumar S,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.260 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 27.12.2021 for the offence punishable under Sections 147, 148, 294(b), 302, 323, 324, 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.260 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that there existed dispute between the parties with regard to the taking water to their farm land, that on 27.12.2021, there arose wordy quarrel and consequently, both sides had attacked each other and two FIRs came to be registered on the complaints preferred by the first accused as well as the defcto complainant and that the defacto complainant's father-in-law, who suffered injuries, succumbed to the injuries. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the State would submit that after the death of the defacto complainant's father-in-law, the case was altered and the offence under Section 302 IPC added and that the petitioners were arrested on 27.12.2021.

5.Considering the above facts and circumstances of the case and also facts that the petitioners are in judicial custody from 27.12.2021, that the petitioners are not having any previous case for similar offence or serious offence and that the investigation is almost completed as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on his 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.

(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 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/03/2022

/ TRUE COPY /

04/03/2022

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.

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- TO
- 1 THE JUDICIAL MAGISTRATE
KADALADI
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE
KADALADI, RAMANATHAPURAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4179 of 2022
Date : 03/03/2022

RS/SBN/SAR.1(04.03.2022) 3P-6C