



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08.06.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9998 of 2022

1. Alagupandian
2. Rajammal

... Petitioners/Accused Nos.2&3

Vs

State represented by
The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli City.
(Crime No.135 of 2022).

... Respondent/Complainant

For Petitioners : Mr.G.Radhakrishnan
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)

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

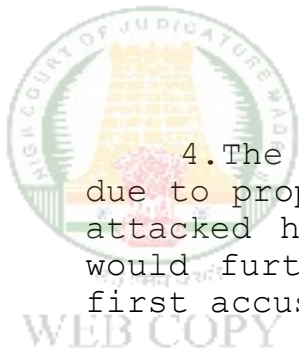
PRAYER :- For Bail in Crime No.135 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who were arrested and remanded to judicial custody on 25.04.2022 for the offence punishable under Sections 341, 294(b), 323, 324, 307 & 506(ii) of IPC @ 120(B), 294 (b), 302, 323, 324, 341 and 506(ii) of IPC, in Crime No.135 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that there existed property dispute between the deceased/ Sasikumar and the petitioners, as a result of which the petitioners along with other accused had attacked the deceased Sasikumar using weapons, due to which he died. Hence, the complaint.

3.The learned counsel for the petitioners submitted that they are innocent and they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in the above case. He would further submit that the petitioners were not present in the occurrence place and they were impleaded only on the basis of the conspiracy.



4.The learned Government Advocate(Crl.side) would submit that due to property dispute, all the accused had chased the deceased and attacked him with deadly weapon as a result of which he died. He would further submit that the petitioners are the parents of the first accused.

5.Considering the above facts and also the facts that the petitioners are in judicial custody from 25.04.2022, that there existed previous enmity between the parties and that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, 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 No.IV, Tirunelveli.

(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 am., 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/06/2022

/ TRUE COPY /

08/06/2022
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.IV,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THATCHANALLUR POLICE STATION,
TIRUNELVELI CITY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
5. THE OFFICER-INCHARGE,
SUB JAIL, KOKKIRAKULAM.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.RADHAKRISHNAN, Advocate (SR-5276[I] dated 08/06/2022)

ORDER
IN
CRL OP(MD) No.9998 of 2022
Date :08/06/2022

tta
USK/PN/SAR-I/08.06.2022/3P/8C