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CRL OP(MD). A



22

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

Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17117 of 2022

1. Raja
2. Sundar @ Maduvupet Sundar @ Sakthivel
3. Ravivarman @ Bamravi ... Petitioners/Accused Nos.1,3 & 4

Vs

The State rep.by,
The Inspector of Police,
Lalapettai Police Station,
Karur District.

(Crime No.399/2021).

... Respondent/Complainant

For Petitioner : M/s.Ramesh 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.399/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 & A4, who were arrested and remanded to judicial custody on 26.10.2021 for the offences punishable under Sections 302 IPC @ 147, 148, 120(b)(i), 341, 302 r/w Section 109 IPC @ 148, 120(b)(i), 109, 341, 302 and 212 IPC, in crime No.399 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the deceased. On 06.10.2021, one Chelladurai informed the de-facto complainant that someone had found died in her farm, later, she urged to the farm and identified that her husband was sustained injuries at his head and shoulder. Therefore, the de-facto complainant lodged a complaint before the respondent police to

<https://www.court.gov.in>



find out the person who are responsible for the death of her husband. Thereafter, the respondent police registered the above said FIR against the petitioners.

3.The learned counsel for the petitioners would submit that A7 to A11 were already released on bail and the respondent police has completed the investigation and charge sheet has been laid and the case was taken on file in S.C.No.30 of 2022 before the learned Principal District and Sessions Court, Karur. He would further submit that the petitioners are innocents and they have not committed any offence as mentioned in the FIR and they are in judicial custody from 26.10.2021 and hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the investigation has been completed and the charge sheet has already filed and the same was taken on file in S.C.No.30 of 2022 before the learned Principal District and Sessions Court, Karur. He would further submit that A1 is having 13 previous cases, A3 is having 12 previous cases and A4 is having six previous cases.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that the investigation has been completed and the charge sheet has already filed and the same was taken on file in S.C.No.30 of 2022 before the concerned Court, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a 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.I, Kulithalai.

(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 appear before the concerned trial Court on every hearing dates without fail.

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

sd/-
23/09/2022

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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.I,
KULITHALAI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE
LALAPETTAI POLICE STATION, KARUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.RAMESH KUMAR S Advocate SR.No.10444

ORDER
IN
CRL OP(MD) No.17117 of 2022
Date :23/09/2022

SJI
MK/SBN/SAR.I/23.09.2022/3P/7C