



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/09/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17527 of 2022

Sivaramakrishnan

... Petitioner/Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
Thirupparankundram Police Station,  
Madurai District.  
Crime No.575 of 2021.

... Respondent/Complainant

For Petitioner : M/s.C.Prabakaran, Advocate  
For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-

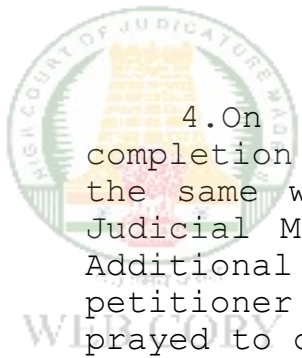
For Bail in Crime No.575 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 12.11.2021 for the alleged offence under Sections 341, 294(b), 323, 307 IPC @ 341, 294(b), 323, 302 IPC, in Crime No.575 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.11.2021 at about 06:00 pm., due to previous motive, the accused persons waylaid the deceased, beaten and lifted him down from the road bridge, due to which, he sustained severe injuries. Without responding to the treatment, the deceased died on 16.11.2021. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and has not committed any offence as alleged by the prosecution. In this case, investigation has been completed and charge sheet was also filed. The petitioner is in custody from 12.11.2021. Against the petitioner, detention order was quashed by this Court. Hence, prays to release the petitioner on bail.



4. On the side of prosecution, it is stated that after completion of investigation, in this case charge sheet was filed and the same was taken on file as PRC No.18 of 2022, on the file of Judicial Magistrate, No.VI, Madurai and the same was committed to Additional District Judge No.V, Madurai in S.C.No.44 of 2022. The petitioner is having one previous case at his credit and hence, prayed to dismiss the petition.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that the charge sheet was filed and the same was taken on file as PRC No.18 of 2022, on the file of Judicial Magistrate, No.VI, Madurai and the same was committed to Additional District Judge No.V, Madurai in S.C.No.44 of 2022 and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.VI, Madurai.

(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 petitioner shall appear before the trial Court on all hearings without fail;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner 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 petitioner 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/-

30/09/2022

/ TRUE COPY /

30/09/2022

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, THIRUPPARANKUNDRAM POLICE STATION,  
MADURAI DISTRICT.

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

+1 CC to M/s.C.PRABAKARAN, Advocate ( SR-10863[I] dated 30/09/2022 )

ORDER

IN

CRL OP(MD) No.17527 of 2022

Date :30/09/2022

PNM

RS/VR/SAR.2(30.09.2022) 3P-7C