



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

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17981 of 2022

1. Subash,
S/o.Maruthaiah Pandian,

2. Subash,
S/o.Thalaivar,

... Petitioners/Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
Crime No.110/2022.

... Respondent/Complainant

For Petitioners: Mr.V.Kathirvelu, Senior Counsel for
Mr.S.Senthil Sankaranatha Kumar, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.110/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A6 & A4, who were arrested and remanded judicial custody on 02.08.2022 for the offences punishable under Sections 143, 294(b), 323 and 302 IPC, in Crime No.110 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 19.07.2022, in the temple festival, a wordy quarrel arose between the people of two villages and at that time, the first accused along with other accused attacked the deceased with hands and pushed him into the well and caused him death. Hence, the complaint.

3.The learned counsel for the petitioners would submit that A1 was already released on bail by the trial Court and A2 and A3 were already released on bail by this Court in Crl.O.P.(MD)No.14841 of 2022, dated 25.08.2022. The petitioners are in judicial custody from 20.08.2022 and hence, he prays for bail.



4.The learned Government Advocate (Crl. side) would submit that it is a case and case in counter and there was a group clash between two villagers. There was no previous enmity between the deceased and the accused persons. The petitioners are not having any previous case. He would further submit that now the case has been transferred to CBCID, Tirunelveli.

5.Taking into consideration the facts and circumstances of the case and also taking note of the period of incarceration and the co-accused have already been released on bail, 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 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, Sankarankovil.

(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 Inspector of Police, CBCID, Tirunelveli on every Wednesday at 10.30 a.m., for a period of twelve weeks and thereafter as and when required for interrogation;

(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]**.

sd/-

07/10/2022

/ TRUE COPY /

07/10/2022

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,
SANKARANKOVIL.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
CHINNAKOVILANKULAM POLICE STATION, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
CBCID,
TIRUNELVELI.

+1 CC to M/s.S.SENTHIL SANKARANATHAKUMAR, Advocate (SR-11069[I]
dated 07/10/2022)

ORDER
IN
CRL OP(MD) No.17981 of 2022
Date :07/10/2022

SJI/KSA
MK/SBN/SAR.I/07.10.2022/3P/8C