



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

Dated : 26/10/2022

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD) . No.18531 of 2022

Nallusamy

... Petitioner/5th Accused

Vs

The State through  
The Inspector of Police,  
Palanichettipatti Police Station,  
Theni District.  
(Crime No.287 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi  
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.287 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/5<sup>th</sup> accused, who was arrested and remanded to judicial custody on 08.08.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 302 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.287 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a wordy quarrel between the first accused and the defacto complainant. when the deceased / father of the defacto complainant has tried to pacify them, the petitioner pushed the deceased with hand in the wordy quarrel and the deceased died.

3. On the side of the petitioner, it is stated that the petitioner is accused No.5 in this case and he is in custody from 08.08.2022, i.e., for the past 79 days. A2 and A6 were already released on bail by the Principal Sessions Judge, Theni, on 21.09.2022. A3 and A4 were released on bail, on 23.09.2022. A1 was



released on bail, on 12.10.2022. Except the petitioner and other accused were already on bail. The only overt act against the petitioner is that he accompanied the other accused and he has been falsely implicated in this case and prayed the petitioner to be released on bail.

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4. On the side of the prosecution, it is stated that totally 6 accused involved in the offence and the petitioner is arrayed as A5. Investigation in this case is pending. The petitioner herein has attacked the defacto complainant's mother with hand and wooden log. The petitioner is having one previous case. The father of the defacto complainant died in the occurrence and 4 others were injured. The injured were discharged from the hospital. A1 to A4 and A6 were already released on bail by the Principal Sessions Judge, Theni. Earlier petitions filed by the petitioner were dismissed, this is the third bail petition and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and considering the fact that all the co-accused were already released on bail and considering the overt act against the petitioner and that the injured was already discharged from the hospital and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Additional Mahila Court (Magistrate Level), Theni**, and on further conditions that:

(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 report before the respondent police daily at 10.30 a.m., until further orders;

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

(iv) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

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

sd/-  
26/10/2022

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/ TRUE COPY /

26/10/2022  
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 ADDITIONAL MAHILA JUDGE,  
(MAGISTERIAL LEVEL), THENI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,  
PALANICHETTIPATTI POLICE STATION,  
THENI DISTRICT.
4. THE OFFICER-INCHARGE,  
DISTRICT PRISON, THENI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate ( SR-11908[I] dated 26/10/2022 )

ORDER  
IN  
CRL OP(MD) No.18531 of 2022  
Date :26/10/2022

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USK/SBN/SAR- /26.10.2022/3P/7C