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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 20/10/2022  
PRESENT

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

CRL OP (MD) . Nos.18871 and 18875 of 2022

Sanjeev Raj

... Petitioner/Accused No.11  
in Crl.O.P.(MD)No.18871 of 2022

Sri Ramkumar

... Petitioner/Accused No.10  
in Crl.O.P.(MD)No.18875 of 2022

**Vs**

The State rep.by  
The Inspector of Police,  
Nanguneri Police Station,  
Tirunelveli District.  
Cr.No.192/2022.

... Respondent/Complainant  
in both petitions

**In both petitions:**

For Petitioner : M/s.Sivabalan K,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

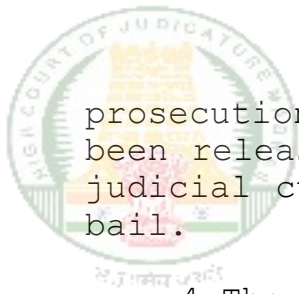
**COMMON PRAYER :-** For Bail in Crime No.192 of 2022 on the file of the respondent police.

**COMMON ORDER :** The Court made the following order :-

The petitioners/A11 & A10, who were arrested and remanded to judicial custody on 05.08.2022 for the offences punishable under Sections 120(b), 147, 148, 294(b), 302 and 506(ii) IPC, in crime No.192 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 29.07.2022, when the de-facto complainant's son was standing in front of the house and speaking with the fiancée over phone, he was chased assaulted and due to which, he succumbed to injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that based on the confession statement of the co-accused, the petitioners have been arrayed as accused in this case and the petitioners are innocents and they have not committed any offence as alleged by the



prosecution. He would further submit that A7 and A8 have already been released on bail by the Sessions Court. The petitioners are in judicial custody from 05.08.2022 and hence, they may be released on bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that this is the petitioners' second bail applications and the earlier applications were dismissed by this Court, dated 06.10.2022 in Crl.O.P.(MD)Nos.17815 and 17760 of 2022. The specific overt act against the petitioners is that they had picked up the main accused from the bus stand and dropped him to the occurrence place. He would further submit that the investigation has been completed and the charge sheet has already filed before the concerned Jurisdictional Magistrate. The petitioners are having no previous case.

5.Considering the facts and circumstances of the case also considering the period of incarceration and also the facts that the investigation has been completed and the charge sheet has already filed before the concerned Jurisdictional Magistrate and the co-accused have already been released on bail, 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, Nanguneri, Tirunelveli District.

(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 a.m., 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].

sd/-

20/10/2022

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20/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE  
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE  
DISTRICT JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE,  
NANGUNERI POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+2. CC to M/S.SIVABALAN K Advocate SR.No.11843, 11844

**ORDER**

**IN**

CRL OP (MD) . Nos.18871 and  
18875 of 2022

Date :20/10/2022

SA/VR/SAR. /20.10.2022/3P/8C