



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/10/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.18959 of 2022

Nagaraj

... Petitioner/Accused No.6

Vs

The State rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
(Crime No.266/2022).

... Respondent/Complainant

For Petitioner : M/s.Rajaselvam, 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.266/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

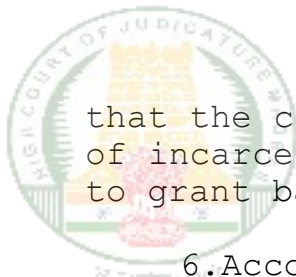
The petitioner/Accused herein, who was arrested on 15.07.2022 for the offences punishable under Sections 294(b), 302, 506(2) IPC, in Crime No.266 of 2022 on the file of the respondent police, seeks bail.

2.The earlier bail petition filed by the petitioner was dismissed by this Court on 07.10.2022, on considering the gravity of the offence.

3.Now, the petitioner has filed this second bail petition on the ground that in this case, charge sheet was filed. The petitioner is in custody from 15.07.2022. The co-accused were already enlarged on bail. Hence, prays to release the petitioner on bail.

4. On the side of prosecution, it is stated that it is a case of retaliation murder. In this case charge sheet was filed before the concerned Court and the same was taken on file as PRC No.321 of 2022, on the file of Judicial Magistrate No.V, Madurai. Accused No.1 to 3 were detained under Act 14. The petitioner is having three previous cases. 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 before the concerned Court and the same was taken on file as PRC No.321 of 2022, on the file of Judicial Magistrate No.V, Madurai,



that the co-accused were released on bail and 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.V, 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 concerned 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/-

26/10/2022

/ TRUE COPY /

26/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI CITY.

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

+1. CC to M/S.RAJASELVAM Advocate SR.No.50961(F) (Date:26/10/2022)

ORDER IN

CRL OP(MD) No.18959 of 2022

Date :26/10/2022

SA/VR/SAR. /26.10.2022/2P/7C

<https://www.mhc.tn.gov.in/judis>