



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

Date : 08/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.19674 of 2022

S.Selvakumar

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
K.Paramathi Police Station,
Karur District.
(Crime No.115 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Isaac Mohanlal, Senior Counsel
for Mr.AN.Ramanathan,
Advocate.

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

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

PRAYER :-

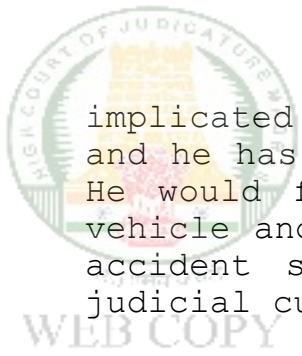
For Bail in Crime No.115 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 12.09.2022 for the offences punishable under Section 302 of IPC in Crime No.115 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous dispute, on 10.09.2022, when the deceased-Jeganathan came from Vettukkattu Thootam to Karudampalayal by his two wheeler, on the instigation of quarry owner Selvakumar, one Mahindra pick-up van bearing Registration No.47-B-2877 dashed against the said Jeganathan and he died. Hence, the case came to be registered.

3.The learned Senior counsel appearing for the petitioner would submit that due to previous motive, the petitioner has been falsely



implicated as an accused and the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the owner of the vehicle and only due to negligence on the part of the deceased, the accident said to have happened. Further, the petitioner is in judicial custody from 12.09.2022. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is the master mind of the entire occurrence. He would further submit that in this case, twenty four witnesses have been examined so far and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that twenty four witnesses have been examined so far, 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 learned District Munsif-cum-Judicial Magistrate, Aravakurichi.

(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 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].

sd/-

08/11/2022

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/11/2022

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



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARAVAKURICHI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
K.PARAMATHI POLICE STATION,
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-12589[I] dated
08/11/2022)

ORDER

IN

CRL OP(MD) No.19674 of 2022

Date :08/11/2022

cp

USK/SSS/SAR- /09.11.2022/3P/7C