



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/11/2022

PRESENT

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

CRL OP(MD). No.20642 of 2022

WEB COPY

1. Sivam @ Ponnathamai
2. Nalliyappan

... Petitioners/Accused No.5 & 7

Vs

State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
Cr.No.264/2022.

... Respondent/Complainant

For Petitioners : M/s.Azagarsami Ak, 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.264/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A5 & A7, who were arrested and remanded to judicial custody on 23.08.2022 and 25.08.2022 (A5 on 23.08.2022 and A7 on 25.08.2022) for the offences punishable under Sections 147, 148, 294(b), 342 and 302 IPC, in crime No.264 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 06.08.2022 at about 12.40 p.m., the accused persons attacked the deceased with stones, kicked on the legs of the deceased by tying his hands and legs. Due to which, he sustained injuries and died. Hence, the case came to be registered.

3.The learned counsel for the petitioners would submit that this is the petitioners' second bail application and the earlier application was dismissed by this Court, dated 06.10.2022 in CrI.O.P.(MD)No.17953 of 2022. He would further submit that the co-accused have already been released on bail by this Court, dated 20.10.2022 in CrI.O.P.(MD)No.18887 of 2022. He would further submit that the petitioners were already detained under Act 14 of 1982 and thereafter, the same was revoked vide order dated 08.11.2022 in G.O.Rt.Nos.7464 and 7465. He would further submit that the



alleged by the prosecution and the first petitioner is in judicial custody from 23.08.2022 and the second petitioner is in judicial custody from 25.08.2022, and hence he prays for bail.

4.The learned Additional Public Prosecutor would submit that it is a case of brutal murder. Further, A5 and A7 were already detained under Act 14 of 1982 and thereafter, the same was revoked vide order dated 08.11.2022 in G.O.Rt.Nos.7464 and 7465. He would further submit that the investigation has been completed and the charge sheet has already been filed before the concerned Court. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the investigation has been completed and the charge sheet has already filed before the concerned Court, this Court is inclined to grant bail to the petitioners with 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, Natham 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 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].

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/11/2022

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22/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE, NATHAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, NATHAM POLICE STATION, DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20642 of 2022

Date :22/11/2022

SJI

RS/VR/SAR.(22.11.2022) 3P-6C