



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.20993 of 2022

Shanmugavignesh @ Vicky

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
(Crime No.227/2022).

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan.S,
Advocate.

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

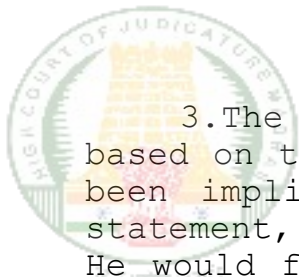
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.227 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 25.03.2022 for the offences punishable under Sections 294(b), 302, 506(ii) of IPC and Section 4 of Tamilnadu Harassment of Women Act, 2002 @ Sections 147, 148, 294(b), 302, 120 (B), 506(ii) of IPC and Section 4 of Tamilnadu Harassment of Women Act, 2002, in Crime No.227 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, his associates and the deceased Muthupandi were known to each other and they indulged in some illegal activities of selling ganja. Due to that, the petitioner and his associates have some pervious enmity with the deceased Muthupandi. On 24.03.2022, all the accused persons were assaulted the deceased with deadly weapon and thereby, the deceased sustained serious injury and died on the spot itself. Hence, the complaint.



3.The learned counsel for the petitioner would submit that based on the confession statement of co-accused, the petitioner has been implicated as accused in this case. Except the confession statement, no other incriminating materials against the petitioner. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Further, the petitioner is in judicial custody from 25.03.2022 and the co-accused was already released on bail by this Court. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that detention order has been passed against the petitioner in detention order No.H.S.(M) Confdl.No.69 of 2022, dated 12.04.2022. Subsequently, the said order was quashed by this Court in H.C.P(MD) No.795 of 2022 dated 14.10.2022. He would further submit that investigation in this case has been completed and the charge sheet has also been filed and the same was taken on file as S.C.No.126 of 2022 by the learned I Additional District Judge, Thoothukudi. The co-accused was already released on bail by this Court. However, considering the gravity of the offence, he strongly opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that co-accused was already released on bail and the investigation has been completed and the charge sheet has also been filed and the same was taken on file as S.C.No.126 of 2022 by the learned I Additional District Judge, Thoothukudi. 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 Judicial Magistrate No.III, Thoothukudi.

(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 concerned trial court on each and every hearing 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 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/-
28/11/2022

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28/11/2022

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

TO

- 1 THE I ADDITIONAL DISTRICT JUDGE, THOOTHUKUDI.
- 2 THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
PERURANI, THOOTHUKUDI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20993 of 2022
Date :28/11/2022

cp
SA/SSS/SAR. /28.11.2022/3P/7C