



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

Date : 09/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21802 of 2022

Saravanan

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.244/2022).

... Respondent/Complainant

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

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.244/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 24.04.2022 for the offence punishable under Sections 341, 294(b), 302 and 506(ii) IPC in Crime No. 244 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased has caused damage to the tyre of the petitioner's Tipper Lorry JCB and that the petitioner has demanded money from the deceased, but it was refused and that the petitioner herein has attacked the deceased with Aruval and caused injuries on the head and that the deceased died on the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that after the arrest, the petitioner was detained under Goondas Act and the detention order came to be quashed by this Court on 29.11.2022 in HCP.No.906 of 2022. He would further submit that the investigation of the case has been completed and there is no previous case against the petitioner. He would further submit that even as per the prosecution case the accident was happened during



the sudden quarrel and the co-accused has also been released in Crl.O.P(MD).No.11151 of 2022, on 23.06.2022. He further submitted that the petitioner is in judicial custody from 08.11.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity the petitioner along with other accused assaulted the deceased with Aruval on the head and that he died on the spot. He would further submit that investigation of the case has been completed and the charge sheet was taken on file in S.C.No.278 of 2022 on the file of the Fast Track Court, Thenkasi. He would further submit it is a case of murder and hence, he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 24.04.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Thenkasi, Thenkasi District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the trial Court on all working days at 10.30 am for a period of two weeks and thereafter, on the dates fixed by the trial Judge;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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



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

sd/-
09/12/2022

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09/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
TENKASI, TENKASI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE
TENKASI POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-14620[I] dated 09/12/2022)

ORDER
IN
CRL OP(MD) No.21802 of 2022
Date :09/12/2022

TRP
USK/BUC/SAR- /09.12.2022/3P/7C