



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/12/2022
PRESENT

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

CRL OP(MD). No.21817 of 2022

1. Mohanraj

2. Krishnamoorthy

... Petitioners/Petitioners/
Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No.374/2022).

... Respondent/Respondent/
Complainant

For petitioners: M/s.Sathya Chidambaram S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

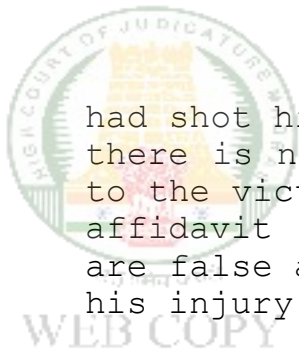
PRAYER :- For Bail in Crime No.374/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 01.11.2022 for the offence punishable under Sections 307 IPC r/w. 25(1A) of Indian Arms Act @ 307 and 201 IPC r/w. 25(1A) of Indian Arms Act in Crime No. 374 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that both the victim and the petitioners had trespassed into the forest area with Airgun 22 Force rifle, during such moment, the victim had challenged the accused and that the petitioners have shot him in right chest with rifle and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the victim and accused are close friends and they have gone for hunting and during such time, accidentally the petitioners



had shot him, resulting which, the victim had sustained injury and there is no motive on the part of the petitioners to cause injuries to the victim. He would further submit that the victim has filed an affidavit from jail stating that the allegations of the prosecution are false and there was no *Mens rea* and it is only accident and now, his injury has healed seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that both the petitioners and the victim are friends and they have trespassed into the reserved forest area for hunting and during such time, the victim had challenged and that the petitioners have shot him on the right chest with gun. He would further submit that the victim is involved in one murder case and that now, he was arrested and confined at Central Prison, Trichy and 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 victim had filed an undertaking affidavit and that the petitioners are in judicial custody from 01.11.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Palani, Dindigul 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 petitioners shall report before respondent police twice a day daily at 10.30 am and 5.30 pm until further orders;

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

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

(f) the petitioners 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 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];



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

sd/-
09/12/2022

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/ TRUE COPY /

09/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PALANI, DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL, DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SATHYA CHIDAMBARAM S Advocate SR.No.14594

ORDER

IN

CRL OP(MD) No.21817 of 2022
Date :09/12/2022

trp
SA/VRS/SAR. /09.12.2022/3P/7C