



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/12/2022
PRESENT

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

CRL OP(MD) . No.22290 of 2022

Chithrai Jegan @ Chithiraj Jegan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.
(Crime No.289/2022).

... Respondent/Complainant

For Petitioner : M/s. Vadivelan.T,
Advocate.

For Respondent : Mr.T. Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.289/2022 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 06.10.2022 for the offence punishable under Sections 302 and 506(ii) IPC in Crime No. 289 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 06.10.2022, the petitioner along with other accused attacked the deceased with Aruval and caused his death and thereby, they had committed the murder of the deceased and also made criminal intimidation against the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to suspicious. He would further submit that the petitioner is arrayed as A1 in this case and A2 was also arrested and detained under Gundaoos Act. He further submitted that the petitioner is suffering from 70% permanent disability and he cannot walk without stick and due to previous motive, he has been falsely roped in this case and he is in judicial custody from 06.10.2022 and seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous motive, the accused persons had taken the deceased out of the village and they have indiscriminately assaulted him with Aruval and bear bottles. He would further submit that the respondent had forwarded the file of the petitioner to the authorities concerned for detaining him under Goondas Act, but, the authority has not approved the same since the petitioner was suffering from 70% of permanent disability. He further submitted that the petitioner is having two previous cases under Sections 307 and 302 IPC respectively and hence, he strongly opposed to grant bail to the petitioners.

5. Heard and perused and materials on record including the First Information Report and the disability certificate of the petitioner enclosed with the typed set of papers.

6. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 06.10.2022, 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, Sathankulam, 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 stay at Madurai and report before the Thallakulam Taluk Police Station daily at 10.30 a.m., until further orders;

(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 SCW 5560];



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

sd/-
19/12/2022

/ TRUE COPY /

WEB COPY

19/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
SATHANKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
PALAYAMKOTTAI, THIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THALLAKULAM TALUK POLICE STATION,
MADURAI.

ORDER

IN

CRL OP(MD) No.22290 of 2022
Date :19/12/2022

TRP
SA/VR/SAR. /19.12.2022/3P/7C