



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

PRESENT

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

CRL OP(MD). No.22633 of 2022

Ayyadurai @ Arun Ayyadurai

... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No.308/2022).

... Respondent/Complainant

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

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

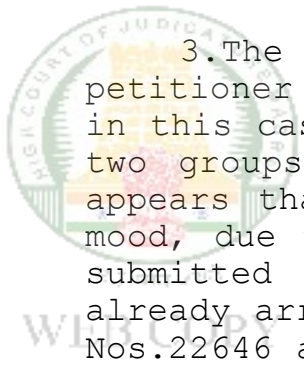
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.308/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 10.10.2022 for the alleged offence under Section 302 IPC, in Crime No.308 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant, who is the brother of the deceased, lodged a complaint stating that he received information on 11.10.2022, that the deceased was admitted in the hospital due to injuries. He went to the hospital and made an enquiry, at that time, the said deceased has given information that the accused persons joined together and assaulted him and also criminally intimidated him. Based on the above said occurrence, FIR has been registered against the petitioner and other accused and all the accused have been arrested on the same day itself and the deceased, after a day of treatment, died. Hence, the case came to be registered against the petitioner.



3.The learned counsel for the petitioner submitted the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there was a scuffle between two groups and there was no previous motive between them and it appears that there was a sudden quarrel between them in a drunken mood, due to which, the deceased succumbed to head injury. He also submitted that similarly placed accused namely, A1 and A2 were already arrested and released on bail by this Court in CrI.O.P.(MD) Nos.22646 and 22654 of 2022, dated 21.12.2022. He further submitted that the petitioner is in judicial custody from 10.10.2022 and hence, he seeks for bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner along with other accused have attacked the deceased with hands and legs and caused his death.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that the similarly placed accused were granted bail by this Court, 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 No.III, Thoothukudi, 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;

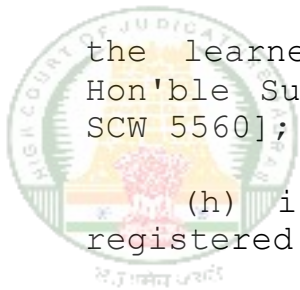
(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 in the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [SCW 5560];



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

sd/-
22/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, THOOTHUKUDI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VISHNUVARDHAN.S, Advocate (SR-15293[I] dated
22/12/2022)

ORDER
IN
CRL OP(MD) No.22633 of 2022
Date :22/12/2022

SJI

MK/VR/SAR 1/22.12.2022/3P/7C