



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.22646 and 22654 of 2022

Balamurugan

... Petitioner/Accused No.1
in Crl.O.P.(MD)No.22646 of 2022

Velmurugan

... Petitioner/Accused No.2
in Crl.O.P.(MD)No.22654 of 2022

Vs

The State rep.by
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
Crime No.308 of 2022.

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Muthumalai Raja S,
Advocate.

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

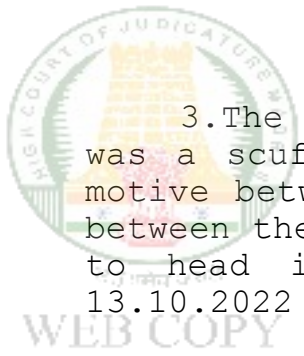
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :- For Bail in Crime No.308 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein, who were arrested and remanded to judicial custody on 13.10.2022 for the alleged offence under Section 302 IPC, in Crime No.308 of 2022 on the file of the respondent police, seek 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 caused assault and also criminally intimidated him. Based on the above said occurrence, FIR has been registered against the petitioners and other accused and all the accused have been arrested on the same day itself and the deceased, after a day of treatment, died.



3.The learned counsel for the petitioners submitted that there was a scuffle arose 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. The petitioners are in judicial custody from 13.10.2022 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. The petitioners are having three previous cases.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

21/12/2022

/ TRUE COPY /

21/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.

2 DO THROUGH 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.

+2. CC to M/S. MUTHUMALAI RAJA.S Advocate SR.No.15235,15236

ORDER IN

CRL OP(MD). Nos.22646 and 22654 of 2022

Date :21/12/2022

SJI

SA/SSS/SAR.4/21.12.2022/2P/8C

<https://www.mhc.tn.gov.in/judis>