



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.12.2022
PRESENT

WEB COPY

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23279 of 2022

Kannan (Thoppu)

... Petitioner/Accused No.5

Vs

State through
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.138 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.Varatharajan,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

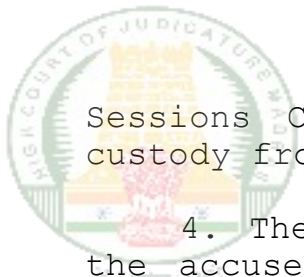
PRAYER :- For Bail in Crime No.138 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.5, who was arrested and remanded to judicial custody on 08.09.2022 for the offences punishable under Sections 147, 148, 120B, 109 and 302 IPC, in Crime No.138 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.04.2022 at about 07.00 p.m., the defacto complainant received a phone call from one Sethu and he informed that the accused 1 and 2 assaulted her son, namely, Ayyampandi and hence, the defacto complainant went to the occurrence place and the said Ayyampandi was taken to the Government Hospital, Thirumangalam. Thereafter, he was taken to the Government Rajaji Hospital, Madurai for further treatment. However, he succumbed to injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that investigation has already been completed and charge sheet has been filed and the case was committed to the Sessions Court in S.C.No.317 of 2022. He would further submit that the accused 3, 4 and 6 were already released on bail by the Principal



Sessions Court, Madurai and that the petitioner is in judicial custody from 08.09.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the accused 1 and 2 were already detained under Goondas Act. He would further submit that the petitioner is having 5 previous cases.

5. The learned counsel appearing for the petitioner would submit that all the cases against the petitioner are put up cases. He would further submit that on the basis of the confession alleged to have been taken from the co-accused, the petitioner has been implicated in this case.

6. Considering the above facts and circumstances and also the fact that the accused 3, 4 and 6 were already released on bail and also the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 IV Additional District and Sessions Judge, Madurai.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

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

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) On breach of any of the aforesaid conditions, the learned 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]**.

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

sd/-

28/12/2022

/ TRUE COPY /

28/12/2022

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



TO

1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. VARATHARAJAN.S Advocate SR.No.15619 (I)
Date:28/12/2022.

ORDER

IN

CRL OP(MD) No.23279 of 2022
Date :28/12/2022

SA/MMS/SAR. /28.12.2022/3P/6C