



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.23235 of 2022

1. Riyas Khan,
2. Nainar Mohammedu,
3. Sikkandar Bhathusha,
4. Sulaiman Javith,
5. Mohammedu Raja,

... Petitioners/
Accused Nos.2,3,5,6,8

Vs

The State rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Cr.No.337/2022.

... Respondent/Complainant

For Petitioner : M/s. Udhayakumar.R,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 337/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2,3,5,6 and 8 who were arrested and remanded to judicial custody on 29.11.2022 for the offences punishable under Section 174 Cr.P.C @ 147,148,341,323,324,387,306 r/w.34 of IPC in Crime No.337 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 27.11.2022 at about 7.00 a.m., the petitioners along with other accused unlawfully assembled together with deadly weapons and wrongfully restrained the deceased and assaulted him with deadly weapons in which he sustained injuries and he committed abetment of suicide. Hence the case came to be registered.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that these petitioners have been implicated as an accused based on the confession given by A1. He would further submit that A1 in this case was released on bail by the learned Principal Sessions Judge, Sivagangai in Crl.M.P. No.5535 of 2022 dated 12.12.2022. He would further submit that the petitioners are in judicial custody from 29.11.2022, hence he seeks bail

4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioners have instigated the deceased to commit suicide. Hence he opposed to grant bail to the petitioners. However he fairly concedes that no previous case is pending against the petitioners and the main accused namely A1 was arrested and released on bail.

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 A1 has been released on bail by the Sessions Court, 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.10,000/- (Rupees Ten Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Principal District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai 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;

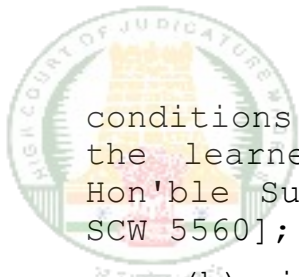
(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 petitioners in accordance with law as if the



conditions have been imposed and the petitioners released on 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/-

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 PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAMM, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. UDHAYAKUMAR.R Advocate SR.No.15601 (I)
Date:28/12/2022.

ORDER

IN

CRL OP(MD) No.23235 of 2022
Date :28/12/2022

SA/VR/SAR. /28.12.2022/3P/7C