



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

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

CRL OP(MD). No.115 of 2023

Siva

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
Crime No.150 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu M, 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.150 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 23.11.2022 for the offence under Sections 294(b), 342 and 302 IPC in Crime No.150 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased had asked the accused to count the money, enraged by the same, the accused had assaulted the victim and also dashed the victim against the wall. Due to which, the victim sustained injuries on his head and died on the spot. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and a false case has been registered. He would further submit that the incident had occurred during a quarrel and that there was no intention or motive on the part of the petitioner and the other accused to commit the murder of the deceased. He would further submit that A1 in this case, who is the elder brother of the petitioner, has been detained under Act 14



of 1982, since he has got a previous case and as far as the petitioner is concerned, he has got no previous case against him. He would further submit that the major part of the investigation is also over. Hence, he seeks for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the deceased are neighbours. The deceased, who is an elderly man, had asked the accused to count the notes and enraged by the same, the accused without provocation have assaulted him with hands and also dashed him against the wall. He would further submit that the A1 has been detained under Act-14 of 1982 since he has got a previous case against him and he would oppose for grant of bail to him.

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

6. Taking into consideration of the facts and submissions made by both the counsels and also considering the period of incarceration, 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 Court No.I, Srivilliputtur, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

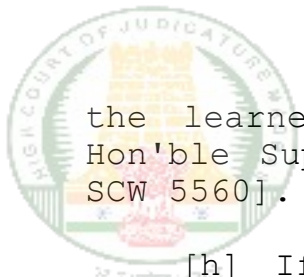
[c] the petitioner shall stay at Madurai and report before the Inspector of Police, Y.Ottakadai Police, Station, Madurai daily at 10.30 A.M., until further orders; and it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police until further orders;

[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 [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/01/2023

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05/01/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTTUR.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR DISTRICT.
- 4 THE INSPECTOR OF POLICE, KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
Y.OTHAKADAI, MADURAI DISTRICT.

+1 CC to M/s.JOTHI BASU M, Advocate (SR-183[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) No.115 of 2023

Date :05/01/2023

RS/SSS/SAR.(05.01.2023) 3P-8C