



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2023

PRESENT

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

CRL OP(MD). No.249 of 2023

E.Muthuraja

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Crime No.219 of 2022.

... Respondent/Complainant

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

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

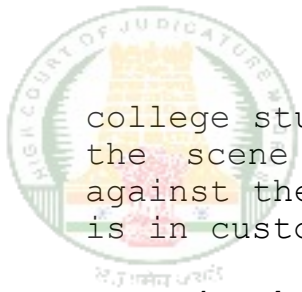
For Bail in Crime No.219 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 10.11.2022 for the offence punishable under Sections 341, 147, 148, 149, 109, 294(b), 302 and 506(ii) of IPC in Crime No.219 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.11.2022 due to previous enmity the petitioner along with other accused waylaid the deceased assaulted him with aruval and caused his death. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner has been implicated as an accused based on the confession given by the co-accused. He would further submit that the petitioner is a



college students and other than the allegation that he is present in the scene of occurrence no other allegation has been levelled against the petitioner. He would further submit that the petitioner is in custody from 10.11.2022, hence he seeks bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case where the petitioner along with other accused have murdered the co-brother of the prime witness in an earlier case. He would also submit that L.W. 1 in S.C. No. 528 of 2021 is the co-brother of the deceased in this case and the accused persons are threatening the witnesses in that case and went to the end of committing murder of Mayandi who was the deceased in this case. He would further submit that on the date of occurrence the petitioner was absent from the college, hence he objected to grant bail to the petitioner.

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 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, Tirunelveli 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.

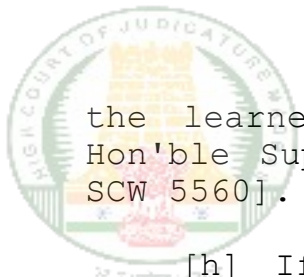
[c] the petitioner shall stay at Madurai and report before the Othakadai Police Station daily at 10.30 am., and 5.30 pm., until further orders.

[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 by 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/-

27/01/2023

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27/01/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

4 THE INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION, TIRUNELVELI DISTRICT.

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

COPY TO
THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, OTHAKADAI,
MADURAI DISTRICT.

+1 CC to M/s.S.SELVAKRISHNAN, Advocate (SR-1231[I] dated 27/01/2023)

ORDER

IN

CRL OP(MD) No.249 of 2023

Date :27/01/2023

RS/VR/SAR.(27.01.2023) 3P-8C