



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

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PRESENT

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

CRL OP(MD). No.653 of 2023

1. Athi Ganesh
2. Gopalakrishnan
3. Navaneethakrishnan @ Nagu ... Petitioner 1-3/Accused

Vs

State Rep.by
The Inspector of Police,
Tirunelveli Pettai Police Station,
Crime No.275 of 2022. ... Respondent/Complainant

For Petitioners : M/s.Venkatesh.C, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

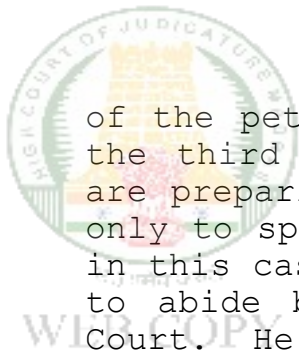
For Bail in Crime No.275 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 28.11.2022,22.11.2022 and 22.11.2022 for the offence punishable under Sections 120(b),147,148,and 302 of IPC in Crime No.275 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity on account of communal rivalry the accused persons have committed murder of the brother of the defacto complainant. Hence the case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since they belong to rival community. He would further submit that there is no eye witness to the occurrence and even as per the defacto complainant he has implicated the names



of the petitioners only on suspicion. He would further submit that at the third petitioner is college student and the other petitioners are preparing for competitive exams. He would further submit that only to spoil the future prospects their names have been implicated in this case. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. He would further submit that the petitioners are in custody from 28.11.2022 and 22.11.2022 hence, he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of murder on account of communal clash. Originally the case was suspected to be an accident case whereas during the course of investigation and post mortem it was found that the victim had suffered 14 cut injuries and based on that it was found that the accused persons have inflicted injuries on account of communal rivalry. He would further submit that the petitioners belong to opposite community and they were also present in the scene of occurrence and they also have a common intention to commit the murder of the deceased, hence he opposed to grant bail to the petitioners.

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 petitioners subject to the following conditions:

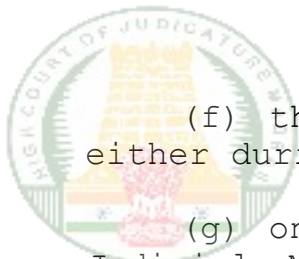
(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties (of which one should be either the father or mother) each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli 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 stay at Madurai and report before the Othakadai Police Station daily at 10.30 a.m., and 5.30 pm., 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 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2023

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11/01/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE, TIRUNELVELI PETTAI 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.VENKATESH.C, Advocate (SR-554[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.653 of 2023

Date :11/01/2023

RS/VR/SAR.(11.01.2023) 3P-8C