



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/02/2023

PRESENT

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

CRL OP(MD). No.2100 of 2023

Suresh @ Soochan, ... Petitioner/Accused No 11

Vs

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

For Petitioner : M/s.Sathya Chidambaram S,
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 petitioner/A11, who was arrested and remanded to judicial custody on 29.11.2022 for the offence punishable under Sections 302 of IPC @ 120(b),147,148,and 302 of IPC in Crime No.275 of 2022 on the file of the respondent police, seeks 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 petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he 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 name of the



petitioner only on suspicion. He would further submit that [REDACTED] 13 were granted bail by this Court on 11.01.2023 in CrI.O.P(MD) No.653 of 2023. He would further submit that the petitioner is in custody from 29.11.2022 hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of murder on account of communal rivalry. 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, hence he opposed to grant bail to the petitioner. However he fairly concedes that A1 to A3 were granted bail by this Court.

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 to A3 were granted bail by this Court, 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 (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;

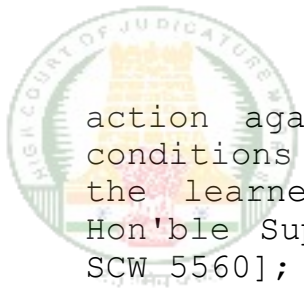
(c) the petitioner shall stay at Madurai and report before the Othakadai Police Station daily at 10.30 a.m., and 5.30 pm., until further orders.

(d) the 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 Magistrate/Trial Court is entitled to take appropriate



action against the petitioner in accordance with law as 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/02/2023

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/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Superintendent, Central Jail, Palayamkottai
2. The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

- 1.The Judicial Magistrate No.V, Tirunelveli
- 2.The Chief Judicial Magistrate, Tirunelveli District.
- 3.The Inspector of Police,
Othakadai Police Station,
Madurai

+1 CC to M/s.S.SATHYACHIDAMBARAM, Advocate (SR-1683[I] dated 02/02/2023)

CRL OP(MD) No.2100 of 2023
Date :02/02/2023

SA(02.02.2023) 3P 8C