



WEB COPY

CRL OP(MD).



23

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

Date : 08/02/2023

PRESENT

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

CRL OP(MD) . No.2518 of 2023

1. Bharath,
2. Babu,
3. Vairamuthu,
4. Vadivel,
5. Vasanthakumar,
6. Nallathambi,
7. Ganesan

... Petitioners/Accused Nos.1 to 7

Vs

State Rep.by
The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
Crime No.508 of 2022.

... Respondent/Complainant

For Petitioners : M/s.John Vincent A,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

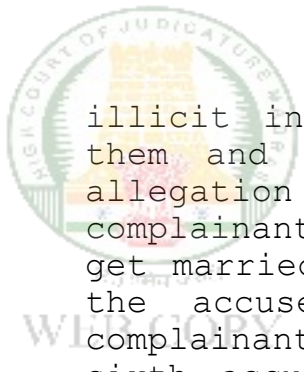
PRAYER :-

For Bail in Crime No.508 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A7 who were arrested and remanded to judicial custody on 29.12.2022 for the offence punishable under Sections 147, 148, 341,294(b),302, 506(2) of IPC in Crime No.508 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that the first accused Bharathi is his relative marriage was performed seven years ago with one Abirami. Suspecting that the elder brother of the defacto complainant one Kalaiyaran was having



illicit intimacy with Abirami there was frequent quarrel between them and later the first accused divorced Abirami. The further allegation is that the first accused suspected that the defacto complainant's brother continued the relationship and that they would get married, there was enmity. Based on that enmity on 29.12.2022 the accused persons had waylaid the brother of the defacto complainant when he was going in a two wheeler and the fifth and sixth accused waylaid the deceased and A1 to A3 indiscriminately attacked him with aruval resulting in him sustaining injuries and died on the spot. Further the accused persons have also threatened the defacto complainant, hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that even as per the First Information Report enmity is only with regard to the first petitioner and the deceased and the other petitioners have been unnecessarily implicated in this case since they happened to be the friend of the first accused. He would further submit that the presence of the defacto complainant at the place of occurrence is doubtful and he would not have witnessed the occurrence. He would further submit that the petitioners are in judicial custody from 29.12.2022 and the major part of the investigation would have been over by now and hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case where a person has been murdered in a broad day light in the middle of the street. He would further submit that there are specific overt acts as against A1 to A3 and they have indiscriminately attacked the brother of the defacto complainant with knife resulting in him sustaining injuries and dying on the spot. He would further submit that A4 is the person who has thrown chilli powder on the face of the deceased and A5 and A6 have waylaid the deceased and A7 is the person who is the driver of the vehicle in which the accused persons have gone to the spot, hence he objected 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 averments and overt acts attributed to the petitioner and the period of incarceration this court is inclined to grant bail to the petitioners 2 to 7, subject to the following conditions:

[a] Accordingly, the petitioners 2 to 7 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 Judicial Magistrate.

https://www.madras.gov.in/ No.I, Pudukottai and on further conditions that:



[b] the sureties shall affix their photographs and Leave 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 petitioners 2 to 7 shall stay at Kaliyakavilai and report before the Kaliyakavilai Police Station daily at 10.30 am., until further orders

[d] the petitioners 2 to 7 shall not commit any offences of similar nature.

[e] the petitioners 2 to 7 shall not abscond either during investigation or trial.

[f] the petitioners 2 to 7 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 2 to 7 in accordance with law as if the conditions have been imposed and the petitioners 2 to 7 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.

7.As regards the first petitioner this petition stands dismissed for the present.

sd/-

08/02/2023

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

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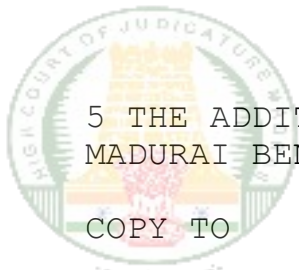
TO

1 THE JUDICIAL MAGISTRATE NO.I,
PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE
PUDUKKOTTAI TOWN POLICE STATION, PUDUKKOTTAI DISTRICT.



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

COPY TO

THE INSPECTOR OF POLICE,
KALIYAKAVILAI POLICE STATION,
KALIYAKAVILAI,
KANYAKUMARI DISTRICT.

+1 CC to M/s.A.JOHNVINCENT, Advocate (SR-2003[I] dated 08/02/2023)

ORDER

IN

CRL OP(MD) No.2518 of 2023

Date :08/02/2023

RS/VR/SAR.2(08.02.2023) 4P-8C