



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2023

PRESENT

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

CRL OP(MD) . No.3375 of 2023

P.Subash @ Subramani,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No. 15 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Dinesh.K, 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. 15 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 09.01.2023 for the offences under sections 294(b), 323 and 307 @ 294(b), 34, 302 of IPC in crime No.15 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 09.01.2023 at about 9.15 pm., near village drama stage, the defacto complainant's son Ponnar and the accused were playing carrom board, at that time there arose the wordy quarrel between them in which the accused abused the deceased with filthy language and A1 and A2 attacked him with wooden log on his head, face and chest due to which he sustained injuries and died, 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 incident had happened during quarrel while playing carrom board. He would further submit that the fact remains that the deceased is a habitual offender and against him several cases are pending and on that particular day, the deceased has misbehaved with the wife of the petitioner resulting the quarrel. He would further submit that the petitioner had no intention to commit the murder and the incident had happened during the spur of the moment. He would further submit that the petitioner is in judicial custody from 9.01.2023., hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that 09.01.2023 at about 9.15 pm., near village drama stage, the defacto complainant's son Ponnar and the accused were playing carrom board, at that time there arose the wordy quarrel in which the accused persons assaulted the deceased with weapons and caused his death, 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, Vedasanthur and on further conditions that:

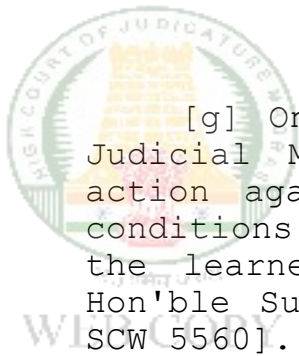
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., 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/-
27/02/2023

/ TRUE COPY /

27/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE SUPERINTEINDENT
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.DINESH, Advocate (SR-2916[I] dated 27/02/2023)

ORDER
IN
CRL OP(MD) No.3375 of 2023
Date :27/02/2023

PKP/SSS/SAR-/27.02.2023/3P/7C