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CRL OP(MD).



23

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

Date : 02/03/2023

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

CRL OP(MD) . No.4115 of 2023

A.Uthandu ... Petitioner/Accused No.4

Vs

The State rep by,
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
in Crime No.23/2023.

... Respondent/Complainant

For Petitioner : M/S.Suyambulinga Bharathi K
for M/s.Anandharaj R

For Respondent : Mr.T,Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.23/2023 on the file of the Respondent police.

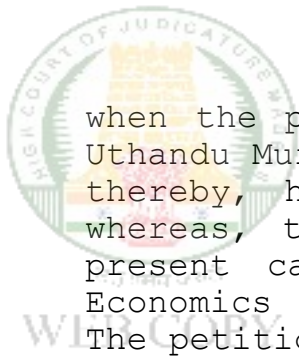
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 02.02.2023, for the offence punishable under Sections 147, 148, 294(b), 448, 427, 307, 302 of IPC, in Crime No. 23 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Palanisamy is that on 28.01.2023, due to previous enmity, the accused persons had trespassed into his house and by indiscriminately cutting his son Karuppusamy with knife and caused death. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case, since the respondent Police has suspected that the petitioner is also a member of the gang. Earlier on 28.01.2023,

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when the petitioner was in his house, the deceased along with Uthandu Murugan had assaulted him with aruval on his head and wrist, thereby, he was admitted in AVM Hospital and underwent surgery, whereas, the respondent Police has falsely implicated him in the present case. The petitioner is a student and studying B.A., Economics and he is not having any previous case to his credit. The petitioner was arrested on 28.01.2023 and later, produced before the learned Magistrate only on 02.02.2023. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the accused persons and the deceased are relatives and earlier the deceased had murdered the brother-in-law of A1 and again on 28.01.2023 he had also assaulted the petitioner and due to which, there was enmity between the parties. Based on that motive, the petitioner had joined together with the other accused persons, trespassed into the house and indiscriminately assaulted the deceased and murdered him. Hence, he would vehemently object to release the petitioner on bail.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioner, 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, Thoothukudi**, 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., 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/03/2023

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02/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Judicial Magistrate No.III, Thoothukudi.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Superintendent, District Jail, Peravoorani, Thoothukudi
4. The Inspector of Police,
Sipcot Police Station, Thoothukudi
District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Inspector of Police,
Othakadai Police Station,
Madurai District.

+1 CC to M/s.ANANDHARAJ, Advocate (SR-3191[I] dated 02/03/2023)

ORDER
IN
CRL OP(MD) No.4115 of 2023
Date : 02/03/2023

NA/SSS/SAR/02.03.2023/3P/8C

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