



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.4167 of 2023

WEB COPY

Parthasarathy @ Partha

... Petitioner/Accused 6

-VS-

The State represented by
The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai District.
(in Cr.No.27 of 2023)
(U/s.147,148,341,294(b),
307,506(II) & 302 IPC)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.27 of 2023 on the file of the
Respondent Police.

For Petitioner

: Mr.C.Deepak, Advocate

For Respondent

: Mr.T.Senthil Kumar

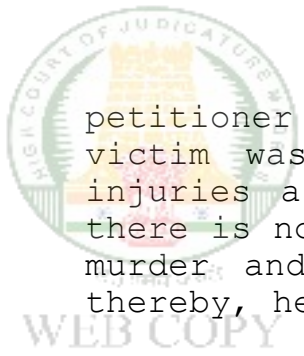
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 15.01.2023 for the offences punishable under Sections 147, 148, 341, 294(b), 307, 506(ii) and 302 of IPC in Crime No.27 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, Vanitha is that due to a previous enmity, with regard to taking a TASMAR bar, the accused have joined together and waylaid her son and his friends and assaulted them with aruval and wooden log indiscriminately, due to which, her son and his friends sustained injuries, thereafter, her son was admitted in a hospital. Thereafter, the son of the de-facto complainant succumbed to injuries on 02.02.2023. Hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case suspecting that the petitioner is also a friend of main accused. He would also submit that even as per the FIR, the allegation as against the petitioner is that he has waylaid the victim and other than that, there is no allegation, as if the



petitioner has assaulted the victim. He would also submit that the victim was admitted in hospital 16.01.2023 and he succumbed to injuries after 15 days on 02.02.2023. He would also submit that there is no intention on the part of the other accused to commit the murder and the incident had also happened during a quarrel and thereby, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to a previous enmity, with regard to taking a TASMAR bar, the accused have joined together and waylaid her son and his friends and assaulted them with a wooden log indiscriminately due to which, her son and his friends sustained injuries, thereafter, her son was admitted in a hospital. Thereafter, the son of the de-facto complainant succumbed to injuries. He would object for grant of bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 15.01.2023, 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.1, Pudukottai, 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 Theni and report before the Theni Town Police Station everyday at 10.30 and 05.30 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 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 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/-

03/03/2023

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WEB COPY

03/03/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, PUDUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
- 4 THE INSPECTOR OF POLICE,
PUDUKOTTAI TOWN POLICE STATION,
PUDUKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THENI TOWN POLICE STATION,
THENI.

+1. CC to M/S.DEEPAK C Advocate SR.No.3370

ORDER

IN

CRL OP(MD) No.4167 of 2023

Date :03/03/2023

SA/SBN/SAR. /03.03.2023/3P/8C