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

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4257 of 2023

J.Shakthivel,

... Petitioner/Accused No.5

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,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

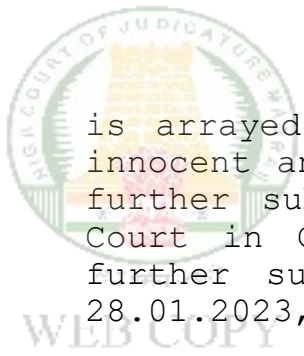
For Bail in Crime No.23/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 28.01.2023 for the offences 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 is that on 28.01.2023 due to previous enmity the accused persons had trespassed into the house of the defacto complainant and indiscriminately attacked the son of the defacto complainant with aruval and caused his death. Hence the case came to be registered.

3.The learned counsel for the petitioner would submit that there are totally 9 accused in this case and the petitioner herein



is arrayed as A5. He would further submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that similarly placed accused was granted by this Court in CrI.O.P(MD) No.4115 of 2023 dated 02.03.2023. He would further submit that the petitioner is in judicial custody from 28.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that due to previous enmity the accused persons had trespassed into the house of the defacto complainant and indiscriminately attacked the son of the defacto complainant with aruval and caused his death. He would further submit that initially the deceased attacked A1 and A2 in which already First Information Report has been registered in Crime No.27 of 2023 for the offences under sections 294(b), 324 and 307 of IPC. Further the deceased also murdered the father of A4 and A8 and the First Information Report was also registered in crime No.4411 of 2022 as against the deceased and due to that motive the occurrence had taken place and the deceased was murdered. He would further submit that the deceased is also having 17 previous cases, hence he objected to grant bail to the petitioner.

5. It is seen that there are 9 accused in this case and the petitioner herein is arrayed as A5. There was a previous enmity between both the families. It is also stated that the petitioner is in jail from 28.01.2023. Further similarly placed co-accused was granted bail by this Court in CrI.O.P(MD) No.4115 of 2023 dated 02.03.2023.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall before the respondent police station daily at 10.30 am., and 5.30 pm., until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

<https://www.mhc.tn.gov.in/judis>

v) 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 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].

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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

TO

1 THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.

2 DO THOROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE OFFICER IN CHARGE,
DISTRICT JAIL,
PERAVOORANI, THOOTHUKUDI.

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

+1. CC to M/S.SUYAMBULINGA BHARATHI K Advocate SR.No.3449

ORDER

IN

CRL OP(MD) No.4257 of 2023

Date :06/03/2023

MGJ/SBN/06/03/2023/3P/7C