



WEB COPY



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

Date : 09/03/2023

PRESENT

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

CRL OP(MD) . No.4486 of 2023

Subash, ... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(Crime No.219/2022)..

... Respondent/Complainant

For Petitioner : M/s.Jeyamohan 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.219/2022 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 12.11.2022 for the offences under sections 341,147,148,149,109,294(b),302 and 506(ii) of IPC in Crime No.219 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 10.11.2022 one Arumugam went in a two wheeler and one Mayandi went in another two wheeler from Seevalaperi to Kaliyavoor and at that time the accused persons waylaid the said persons, abused him with filthy language and assaulted Mayandi with aruval and caused his death,hence the case.

<https://www.mhc.tn.gov.in/judis> 3. Heard both sides and perused the materials available on record including the First Information Report.



4. There are totally 28 accused in this case and the petitioner herein is arrayed as A8. There was enmity between accused group and deceased group and the deceased was one of the witness in the murder case in which some of the accused in the present crime number are accused. In so far as the petitioner is concerned he is not an accused in the murder case. Further the name of the petitioner does not found place in the First Information Report and it has been implicated on the statement of PW.1. wherein he had deposed that the petitioner and other have chased the deceased and attacked with deadly weapons. The learned Additional Public Prosecutor would submit that the petitioner so far involved in seven previous case, hence he objected to grant bail to the petitioner.

5. The learned counsel for the petitioner would submit that only because of the previous case the petitioner has been implicated as an accused, since he was not an accused in the earlier murder case, in which the deceased was also one of the witness. He would further submit that the petitioner is in judicial custody from 12.11.2022 and investigation has been completed and final report has been taken cognizance by the learned Principal Sessions Judge, Tirunelveli in S.C.No. 166 of 2023 and pending trial. Further 15 arrested accused were released on bail.

6. Taking into consideration of the facts and submissions made by the learned counsels and also 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.III, Tirunelveli 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 trial court on all working days at 10.30 A.M. and 5.30P.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/-
09/03/2023

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,MADURAI.
- 4 THE INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEYAMOHAN K Advocate SR.No.3833

ORDER
IN
CRL OP(MD) No.4486 of 2023
Date :09/03/2023

MGJ/SAR I/09/03/2023/3P/7C