



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

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

CRL OP(MD) . No.5396 of 2023

M.Rajapandi

... Petitioner/Accused No.8

Vs

State Rep.by
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
(In Crime No.04/2023).

... Respondent/Complainant

For Petitioner : M/s.Santhanam R, Advocate.

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

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

PRAYER :-

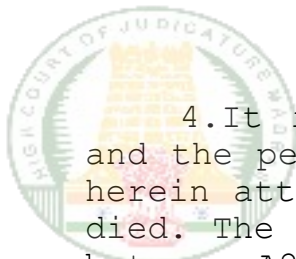
For Bail in Crime No.04/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A10 who was arrested and remanded to judicial custody on 05.01.2023 for the offences under sections 109, 147, 148, 294(b), 302, 307, 324 and 506(ii) of IPC in Crime No.4 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the defacto complainant and the deceased were friend and they had visited the garden of the defacto complainant . There A1, A2, A6 Rajendran's son Dinesh and Mani's Son Buvanesh were drinking alcohol near the garden. At tht time Dinesh invited the defacto complainant to drink , due to which there was quarrel between them. All the accused came to the garden of the defacto complainant and attacked him with sticks and wooden log, due to which he sustained injuries and died, hence the case.

3.Heard both sides and perused the materials available on record including the First Information Report.



4.It is seen that there are totally 11 accused in this case and the petitioner herein is arrayed as A10. Further the petitioner herein attacked the deceased with stone and wooden log, in which he died. The occurrence said to have taken place due to wordy quarrel between A2 and the deceased. The petitioner being a relative has been falsely implicated in this case. 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, Periyakulam 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 stay at Dindivanam and report before the Dindivanam Police station daily at 10.30 A.M. and 5.30 P.M., for a period of four weeks and thereafter before the respondent police daily at 10.30 a.m., and 5.30 pm., for a further period of four weeks and thereafter as and when required for interrogation.

[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/-

23/03/2023

/ TRUE COPY /

23/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE,
DINDIVANAM POLICE STATION,
DINDIVANAM.

+1 CC to M/s.R.SANTHANAM, Advocate (SR-4736[I] dated 23/03/2023)

ORDER

IN

CRL OP(MD) No.5396 of 2023

Date :23/03/2023

RS/CG/SAR-(23.03.2023) 3P 8C