



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/03/2023
PRESENT

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

CRL OP(MD) . No.5641 of 2023

1. Mogeshwaran,

2. Renukumar,

... Petitioners/Accused 7 & 9

Vs

The State rep.by
The Inspector of Police,
Checkanoorani Police Station,
Madurai District.
In Crime No.77 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Susi Kumar C,
Advocate.

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

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

PRAYER :- To enlarge the petitioners on bail in Crime No.77 of 2023 on the file of the Respondent and thus render justice.

ORDER : The Court made the following order :-

The petitioners /A7 and A9 who were arrested and remanded to judicial custody on 19.02.2023 for the offences under sections 147,148,294(b),341,324,302 and 506(ii) of IPC in Crime No.77 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the defacto complainant is the mother of the deceased. On 19.02.2023 at about 12.30 pm., the son of the defacto complainant and his friends have gone to Ponnangal temple, Karumathoor. One of the friends asked the cell phone from one of the accused, which was denied by him hence the said Thangapandian criminally intimidated the accused persons. Annoyed by the same, all the accused person restrained the deceased and one Thangapandian, they have abused in filthy language and also assaulted the deceased and Thangapandian using wooden log, in which the son of the defacto complainant(deceased) succumbed to injuries,hence the case.



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

4. It is a case of murder. During temple festival the deceased was denied the right in the temple. There was a quarrel between A1, A2 and the deceased, therefore A1 and A2 attacked the deceased with wooden log, in which the deceased sustained injuries and died. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti 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 petitioners shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M., until further orders.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/03/2023

/ TRUE COPY /

27/03/2023

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



AAV
TO

1 THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THEKKAMPATTI,
THENI.

4 THE INSPECTOR OF POLICE,
CHECKANOORANI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.SUSI KUMAR C Advocate SR.No.4938

ORDER

IN

CRL OP(MD) No.5641 of 2023

Date :27/03/2023

SA/MMS/SAR. /27.03.2023/3P/7C