



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

Date : 29/03/2023

PRESENT

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

CRL OP(MD) . No.5765 of 2023

Premkumar ... Petitioner / Accused No.7

Vs

State through
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
Crime No.4 of 2023.

... Respondent / Complainant

For Petitioner : M/s.Jayalakshmi A, Advocate.

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

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

PRAYER :-

For Bail in Cr.No.4 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A7 who was arrested and remanded to judicial custody on 06.01.2023 for the offences under sections 109,147,148,294(b),324,307,302 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 deceased and the defacto complainant were friends While A1, A2, A4 and Rajendran son of the deceased were drinking alcohol they invited the defacto complainant to drink at that time there was an argument in which all the accused persons attacked the defacto complainant and when the deceased had prevented this A1 attacked the deceased with aruval and other accused attacked the deceased with stick, due to which he sustained injuries and died, hence the case.

3. The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender and involved in three previous



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

5. Even according to the case of the prosecution there are totally 11 accused in this case and the petitioner herein is arrayed as A7. While consuming alcohol there was a quarrel between the deceased and the accused persons, therefore all the accused persons attacked the deceased with stick and caused his death. In this case investigation is almost completed and some of the co-accused were granted bail. 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 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 Karur and report before the Karur police daily at 10.30 A.M. and 5.30P.M., for a period of two weeks and thereafter before the respondent police daily at 10.30 am., 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/-

29/03/2023

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29/03/2023

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 Inspector of Police,
Devathanapatti Police Station,
Theni District.

4.The Superintendent,
Central Prison, Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Karur Police Station,
Karur District.

ORDER

IN

CRL OP(MD) No.5765 of 2023

Date :29/03/2023

ED/SBN/SAR- (29/03/2023) 3P 7C