



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

Date : 10/04/2023

PRESENT

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

CRL OP(MD) . No.6459 of 2023

Gunasekaran @ Guna

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Town Police Station, Pudukkottai,
Pudukkottai District.
Cr.No.27/2023.

... Respondent/Complainant

For Petitioner : M/s.Mathavan.G,
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. 27/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 16.01.2023 for the offences under sections 147,148,341,294(b),307,506(ii) of IPC @ 148,341,294(b),506(ii) and 302 of IPC in Crime No.27 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution, as per the de-facto complainant, Vanitha is that due to a previous enmity, with regard to taking a TASMAL bar, the accused have joined together and waylaid her son and his friends and assaulted them with aruval and wooden log indiscriminately, due to which, her son and his friends sustained injuries, thereafter, her son was admitted in a hospital. Thereafter, the son of the de-facto complainant succumbed to injuries on 02.02.2023. Hence, the case.



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

4. Taking into consideration of the facts and submissions made by the learned counsels and also the fact that some of the co-accused were granted bail by this Court 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.I, Pudukottai 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 Town Police Station everyday at 10.30 and 05.30 pm for a period of two weeks and thereafter report before the respondent police daily at 10.30 A.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/-

10/04/2023

/ TRUE COPY /

10/04/2023

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



TO

1. The Judicial Magistrate No.I, Pudukottai.
2. Do through the Chief Judicial Magistrate,
Pudukkottai District.
3. The Officer In-Charge, District Prison, Pudukottai.
4. The Inspector of Police,
Town Police Station, Pudukkottai,
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Inspector of Police,
Karur Town Police Station,
Karur.

+1 CC to M/s.MATHAVAN.G, Advocate (SR-5559[I] dated 10/04/2023)

ORDER
IN
CRL OP(MD) No.6459 of 2023
Date : 10/04/2023

NA/SSS/SAR- /10.04.2023/3P/8C