



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

Date : 10/04/2023

WEB COPY

PRESENT

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

CRL OP(MD) . Nos.6526 and 6530 of 2023

T.Vijay ... Petitioner/Accused No.2
in Cr1.O.P(MD) No.6526 of 2023

P.Muthu ... Petitioners/Accused No.1
in Cr1.O.P(MD) No.6530 of 2023

Vs

The State rep. by
The Inspector of Police,
Thazhamuthunagar Police Station,
Thoothukudi District.
Crime No. 65/2023.

... Respondent/Complainant
in both petitions

In both petitions

For Petitioner : M/s.Vishnuvardhan S,
Advocate.

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

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

COMMON PRAYER :-

For Bail in Crime No.65 of 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners /A2,A1 who were arrested and remanded to judicial custody on 19.02.2023, for the offences under sections 294 (b), 307 of IPC @ 294(b),302 of IPC @ 294(b),302 IPC r/w.3(1)(r),3 (2)(v) of SC/ST(POA) Amendment Act, 2015 in Crime No.65 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that on 18.02.2023 the petitioners along with other accused abused the defacto complainant in filthy language and attacked him with aruval and caused his death.



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

4. The deceased was aged about 90 years and there was a pathway dispute between them. According to the petitioners in the quarrel they have simply pushed down the deceased, in which he fell down and got fainted. He was admitted in the hospital and after two days he 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thoothukudi 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/-

10/04/2023

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10/04/2023

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



TO

1. The Judicial Magistrate No.II, Thoothukudi.

2. Do through the Chief Judicial Magistrate,
Thoothukudi.

3. The Officer In-Charge, District Jail, Peraurani.

4. The Inspector of Police,
Thazhamuthunagar Police Station,
Thoothukudi District.

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

+1 CC to M/s.VISHNUVARDHAN S, Advocate (SR-5614[I] dated 10/04/2023)

+1 CC to M/s.VISHNUVARDHAN S, Advocate (SR-5615[I] dated 10/04/2023)

ORDER

IN

CRL OP(MD) Nos.6526 &6530 of 2023

Date : 10/04/2023

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