



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

Date : 19/04/2023

PRESENT

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

CRL OP(MD) . No.6783 of 2023

1. Sappani @ Thavidan
2. Kaliyammal
3. Sangan

... Petitioners/Accused No.1 to 3

Vs

State rep. by
The Inspector of Police,
Villur Police Station,
Madurai District.
(Crime No.14/2023).

... Respondent/Complainant

For Petitioners : M/s.Prabu.M,
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.14/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /A1 to A3 who were arrested and remanded to judicial custody on 07.03.2023 for the offences under sections 342,302 and 201 of IPC in Crime No.14 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the deceased is a drunkard and he often used to quarrel with the petitioners in a drunken mood and assault them. So all the family members planned to murder the deceased. On the date of occurrence when the deceased came to home in a drunken mood all the accused persons assaulted him with deadly weapons due to which he sustained severe 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 the deceased is none other than the son of the first and second petitioners. The third petitioner is the brother. The deceased was a drunkard and he used to get money from their parents and brother by threatening to buy liquor. On the date of occurrence the deceased came to the home in a drunken mood and demanded money and quarreled with him and therefore the petitioners attacked him, due to which he sustained severe injuries and due to blood loss he died. Thereafter they buried the body. After hearing the said sound, the Village Administrative Officer lodged a complaint. 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 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, Peraiyur, Madurai District 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. for a period of four weeks and thereafter as and when required for interrogation.

[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].



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CRL OP(MD)



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[h] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-
19/04/2023

/ TRUE COPY /

19/04/2023

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

AAV

TO

1. The Judicial Magistrate No.II, Peraiyur, Madurai District.
2. Do through the Chief Judicial Magistrate,
Madurai.
3. The Superintendent, Central Prison, Thekkampatti
4. The Superintendent, Central Prison(women), Madurai.
5. The Inspector of Police,
Villur Police Station, Madurai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.PRABU.M, Advocate (SR-6100[I] dated 19/04/2023)

ORDER
IN
CRL OP(MD) No.6783 of 2023
Date : 19/04/2023

NA/VR/SAR- /19.04.2023/3P/8C