



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2023

PRESENT

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

CRL OP(MD). No.7741 of 2023

Sankar ... Petitioner/Accused(A1)

Vs

The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.
(In Crime No.55 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Karthikeyan.S,
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.55/2023 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 17.02.2023 for the offences under sections 341,294(b) and 307 of IPC @ 341,294(b) and 302 of IPC in Crime No.55 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 17.02.2023 at about 4.30 pm., due to previous enmity the accused persons jointly attacked the husband of the defacto complainant using stick, due to which he fell down and he was admitted in the hospital and subsequently on 21.02.2023 he 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 when the deceased asked about the missing of blue colour tarpaulin the petitioner and his father attacked the deceased, therefore he sustained injuries. Initially a case was registered under section 307 of IPC. After four days the injured



died, hence the case was altered to section 302 of IPC. Further they attacked the deceased with wooden log which is used for centering. 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 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bhoothapandi, Kanyakumari 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 petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30P.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/-

25/04/2023

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25/04/2023

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

AAV
TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION, KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL.

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

+1 CC to M/s.KARTHIKEYAN.S, Advocate (SR-6508[I] dated 25/04/2023)

ORDER
IN
CRL OP(MD) No.7741 of 2023
Date :25/04/2023

SS/SSS/SAR /25/04/2023/3P/7C