



WEB COPY

CRL OP(MD).



23

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

Date : 28/04/2023

PRESENT

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

CRL OP(MD) . No.8369 of 2023

1. R.Thangavel

2. S.Karuppaiya

... Petitioners/Accused 4, 5

Vs

The State rep.by,
The Inspector of Police,
Illupput Police Station,
Pudukottai District.
(Crime No.52/2023)

... Respondent/Complainant

For Petitioner : M/s.Mohamed Ayyadurai N,
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.52/2023 on the file of the Respondent Police.

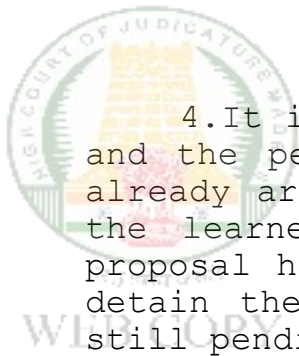
ORDER : The Court made the following order :-

The petitioners/A4 and A5, who were arrested and remanded to judicial custody on 07.03.2023 for the offences punishable under Sections 147, 294(b), 323, 324, 307 and 506(ii) IPC @ 302 IPC in Crime No.52 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was a group clash between two groups, in which, five persons sustained injuries and one person died. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

<https://www.mhc.tn.gov.in/judis>



4.It is seen that there are eight accused involved in the case and the petitioners are arrayed as A4 and A5. The co-accused was already arrested and released on bail by the Court below. However, the learned Additional Public Prosecutor submitted that now the proposal had been sent to the Superintendent of Police in order to detain the petitioners under Goondas Act and the said request is still pending from the Month of March.

5.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners, 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 blood related sureties each for a like sum to the satisfaction of the learned Principal District Munsif cum Judicial Magistrate, Illuppur, 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., 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/-

28/04/2023

/ TRUE COPY /

28/04/2023

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



TO

1. THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ILLUPPUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3. THE INSPECTOR OF POLICE,
ILLUPPUT POLICE STATION,
PUDUKOTTAI DISTRICT.

4 THE OFFICER IN CHARGE,
DISTRICT JAIL,
PUDUKOTTAI.

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

+1 CC to M/s. MOHAMED AYYADURAI N, Advocate (SR-6962[I] dated
28/04/2023)

ORDER

IN

CRL OP(MD) No.8369 of 2023

Date : 28/04/2023

RK/MMS/SAR- (28/04/2023) 3P/7C