



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8841 of 2023

1. Palaniyappan

2. Jeyapandi Velu

... Petitioners/Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District
(Crime No.61 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Sanjay.S.M.,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

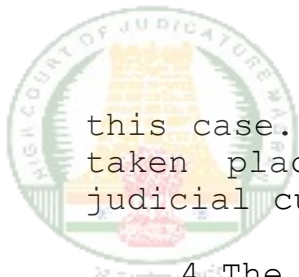
For Bail in Crime No.61 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who was arrested and remanded judicial custody on 26.03.2023 for the offences punishable under Sections 341,294(b),323,302 and 506(ii) of IPC in Crime No.61 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 26.03.2023 at about 03.45 p.m., the petitioners wrongfully restrained the husband of the defacto complainant, abused him in filthy language and also assaulted him with hands, legs and also threatened him with dire consequences. Thereafter he was taken to hospital and died due to the injuries sustained, hence the case.

3. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in



this case. Further due to wordy quarrel the occurrence said to have taken place. He further submits that the petitioners are in judicial custody from 26.03.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the investigation is almost completed and no previous case is pending against the second petitioner and one previous case is pending against the first petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties (of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Devakoatti

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three months and thereafter every Saturday at 10.30 a.m., for another period of one month and thereafter as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial;

(v) On breach of any of the aforesaid conditions, the learned 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/-

17/05/2023

/ TRUE COPY /

17/05/2023

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



TO 

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- 1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION, SIVAGANGAI DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-7403[I] dated 17/05/2023)

ORDER
IN
CRL OP(MD) No.8841 of 2023
Date :17/05/2023

SS/VR/SAR /17/05/2023/3P/7C