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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.06.2023

PRESENT

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

CRL OP(MD)No.8798 of 2023

Rajaguru

... Petitioner/Accused No.6

Vs

State represented through
The Inspector of Police,
Jetty Police Station,
Rameswaram,
Ramantahapuram District.
Crime No.48 of 2023

... Respondent/Complainant

For Petitioner : Mr.M.Kannan, 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.48 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 12.04.2023 for the offence under section 147, 387, 294 (b), 324, 506(ii) IPC r/w 147, 148, 294(b), 323, 324, 336, 506(ii), 397 and 302 IPC in Crime No.48 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.04.2023, when the defacto complainant was returning from Rameswaram, after participating in the Panguni Uthiram Festival, at about 03.45 pm, he found his relative Sakthikumar and his friends were beaten by six persons and taken his mobile phone and after that the defacto complainant and his friends went in search of accused, who had taken away the mobile phone. The accused persons were standing near the Periya Pallivasal Street and they indiscriminately attacked the defacto complainant and caused injuries. Thereafter, the defacto complainant on 10.04.2023, succumbed to the injuries and the case was recorded by including Section 302 IPC.

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



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

4. It is seen that there are totally 11 accused in this case and the petitioner is arrayed as A6. Even according to the case of the prosecution, when the victim was returning from Rameswaram, after participating in panguni festival, he was beaten by accused persons and they snatched his mobile phone. The said occurrence was taken place on 05.04.2023. Initially case was registered for the offence under Sections 147, 387, 294(b), 324, 506(ii) IPC. Thereafter, the victim died on 10.04.2023. Hence, the offence was altered by including Section 302 IPC. The petitioner was arrested on 12.04.2023. It is also seen that they had beaten him by using their hands and as such, he fell down on the stone and sustained injuries and died in the hospital.

5. Taking into consideration of the above facts and circumstances 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rameswaram 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 morning at 10.30 A.M. and evening at 05.00 P.M. for a period of six weeks and thereafter as and when required for interrogation.

[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



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

sd/-

02/06/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE, RAMESWARAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE, JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.KANNAN, Advocate (SR-7937[I] dated 02/06/2023)

ORDER

IN

CRL OP(MD) No.8798 of 2023

Date :02/06/2023

RS/SSS/SAR-(02.06.2023) 3P 7C