



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.8811 of 2023

Ganesh Pandi

... Petitioner/Accused 3

Vs

The State rep.by
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
(Crime No.153 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Sankara Pandian.J.,
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.153 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner /A3 who was arrested and remanded to judicial custody on 09.03.2023 for the offences under sections 147,148,302,342,427,452 of IPC in Crime No.153 of 2023 on the file of the respondent police seeks bail.

2. The defacto complainant is the wife of the deceased. The case of the prosecution is that four months prior to the occurrence A1 teased the sister of the deceased, which was condemned by the deceased. The deceased had beaten A1 and severely warned him in a public place. Due to that enmity on 09.03.2023 at 4.00 pm., when the defacto complainant, her husband and child were in the home, A1 and A2 trespassed into the house and brutally assaulted the deceased and caused his death. Other accused persons were waiting outside the house of the deceased and prevented the deceased from escaping from the place occurrence, hence the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case and no specific overt act has been attributed as



against the petitioner. He further submits that the petitioner is in judicial custody from 09.03.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor objected to grant bail to the petitioner on the ground that the petitioner also accompanied the other accused persons while committing the murder. He would submit that the investigation is almost completed and co-accused was granted bail by this Court.

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 petitioner subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 No.VI, Madurai.

(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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two months and thereafter every Saturday at 10.30 a.m., for another period of two months and thereafter as and when required for interrogation by the respondent police.

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

(iv)the petitioner 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 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.

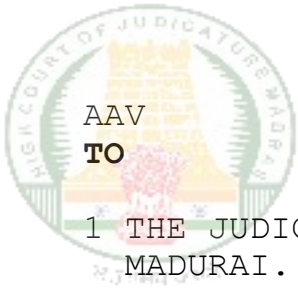
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17/05/2023

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17/05/2023

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



1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.SANKARA PANDIAN.J. Advocate SR.No.7438

ORDER

IN

CRL OP(MD) No.8811 of 2023

Date :17/05/2023

SA/VR/SAR. /17.05.2023/3P/7C