



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.9319 of 2023

R.Rajesh

... Petitioner/Accused 2

Vs

State Rep.by
The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
Cr.No.52/2023

... Respondent/Complainant

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

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 02.03.2023 for the offences punishable under Sections 147, 294(b), 323, 324, 307, 506(ii) of IPC @ 302 of IPC in Crime No.52 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to some wordy quarrel while riding the two wheeler, the accused persons joined together abused the son of the de-facto complainant, attacked him with deadly weapons, due to which, he sustained injuries and later died. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier bail application was dismissed by this Court, dated 13.04.2023 in Crl.O.P.(MD)No.6838 of 2023. He would further submit that the co-accused has already been released on bail. Hence, he prayed for bail.



4.The learned Additional Public Prosecutor appearing before the respondent raised objection stating that this is the second application for bail and the earlier bail application was already dismissed by this Court, dated 13.04.2023 in Crl.O.P.(MD)No.6838 of 2023. Now, the investigation almost completed and the final report made ready.

5.Considering the facts and circumstances of the case and also the facts that the co-accused has already been released on bail and the investigation almost completed and the final report made ready and also considering the period of incarceration and into consideration, 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.25,000/- (Rupees Twenty Five Thousand only) with two 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 petitioner shall report before the respondent police daily at 10.30 A.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/-

18/05/2023

/ TRUE COPY /

19/05/2023

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

SJI



TO

1 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ILLUPPUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE, ILLUPPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.N.MOHAMED AYYADURAI, Advocate (SR-7567[I] dated
18/05/2023)

ORDER

IN

CRL OP(MD) No.9319 of 2023

Date :18/05/2023

RS/VR/SAR-3(18.05.2023) 3P 7C