



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2023

PRESENT

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

CRL OP(MD) . No.9923 of 2023

Sambar @ Arunpandi

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Mattuthavani Police Station,
Madurai District.
(Crime No.67 of 2023)

... Respondent/Complainant

For Petitioner : M/s.C.Geetha, 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.67 of 2023 on the file of respondent police

ORDER : The Court made the following order :-

The petitioner /A5 who was arrested and remanded to judicial custody on 24.02.2023 for the offences under sections 147,148,341 and 302 of IPC in Crime No.67 of 2023 on the file of the respondent police seeks bail.

2. The defacto complainant is the father of the deceased. As per the case of the prosecution prior to the occurrence, the deceased abused the mother of A1 in a degraded manner and there is enmity between them in this regard and all the accused planned to murder the said Balamurugan and executed the same. On 22.02.2023 all the accused persons have indiscriminately cut the deceased with aruval and caused his death, hence the case.

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



4. The learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner on the ground that the petitioner is a habitual offender and against him five previous cases are pending.

5. It is seen that there are totally 13 accused in this case. As per the First Information Report five named accused and subsequently as per the alteration report other accused persons have been implicated as an accused. The petitioner is arrayed as A5 and he is the friend of A4. According to the case of prosecution mother of the first accused had illegal intimacy with the deceased. Therefore the first accused planned to do away the life of the deceased and hired other persons to do away the life of the deceased. The petitioner being friend of A4 has been implicated as an accused. A4 was engaged by A1 to do away the life of the deceased. Now the respondent police completed investigation and final report has been filed before the learned **(*)Judicial Magistrate No.6, Madurai** and the same is pending committal in PRC No.155 of 2023. Taking into consideration the facts and submissions made by the learned counsels 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 related sureties each for a like sum to the satisfaction of the learned **(*)Judicial Magistrate No.6, Madurai** 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.

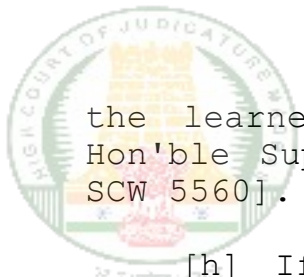
[c] the petitioner shall report before the learned **(*)Judicial Magistrate No.6, Madurai** on all working days at 10.30 A.M. And 5.30 P.M., until further orders.

[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 in 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/-

08/06/2023

(*)Amended as per order of the Court dated 20/06/2023 in CrI.MP (MD).8690/2023 in CrI.OP(MD). 9923/2023.

/ TRUE COPY /

21/06/2023

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

AAV

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 08/06/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2 THE JUDICIAL MAGISTRATE NO.6, MADURAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.

5 THE INSPECTOR OF POLICE, MATTUTHAVANI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-8303[I] dated 08/06/2023)

ORDER

IN

CRL OP(MD) No.9923 of 2023

Date :08/06/2023

RS/SSS/SAR-(08.06.2023) 3P 7C

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SA/SSS/SAR. /21.06.2023/3P/8C