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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2023

PRESENT

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

CRL OP(MD). No.10134 of 2023

Saravana Pugazh

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Kottampatty Police Station,
Madurai District.
(Crime No.101 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Vennila R, 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.101 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 21.03.2023 for the offences punishable under Sections 147, 148, 341, 294(b), 307 and 302 of IPC in Crime No.101 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there existed dispute between the deceased and the accused persons in respect of celebrating their local village temple festival. Whiles on 20.03.2023 at 12.25 p.m., while the deceased and his friend were returning from college in a two wheeler at that time all the accused persons restrained them and also assaulted him with deadly weapons, due to which, he sustained injuries and died.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there are totally 10 accused in this case and one person is arrayed as A2. During temple festival, there was

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group clash, for which, a case has been registered in Crime of 2023. In pursuant to the registration of the First Information Report again there was another clash. Therefore, all the accused persons attacked the deceased and others with stick. Thereby, he sustained injuries and died and another person sustained injuries. A4, A6 and A7 were already released on bail by this Court in Crl.O.P.(MD)No.10002 of 2023, dated 08.06.2023.

6.Taking into consideration of 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, 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 stay at Ulundurpettai and report before the Inspector of Police, Ulundurpettai Police Station daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter, 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/-

12/06/2023

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12/06/2023

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



TO

1 THE JUDICIAL MAGISTRATE, MELUR.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, KOTTAMPATTY POLICE STATION,
MADURAI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE,
ULUNDURPETTAI POLICE STATION,
ULUNDURPETTAI.

+1 CC to M/s.R.VENNILA, Advocate (SR-8519[I] dated 12/06/2023)

ORDER

IN

CRL OP(MD) No.10134 of 2023

Date :12/06/2023

RS/VR/SAR-(12.06.2023) 3P 8C