



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/06/2023

PRESENT

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

CRL OP(MD). No.10710 of 2023

1. Vadivel @ Senthil,

2. Viji @ Vijayarani,

... Petitioners/Accused Nos.1&2

Vs

The State rep.by,
The Inspector of Police,
Tallakulam Police Station,
Madurai City.
Cr.No.411/2023.

... Respondent/Complainant

For Petitioners : M/s.Azagarsami A K,
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. 411/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A1 and A2 who were arrested and remanded to judicial custody on 23.04.2023 for the offences under sections 452,294(b),323,355,506(ii) and 302 of IPC in Crime No.411 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that there was enmity between the deceased and the petitioners who are neighbors regarding parking of auto. While so on 22.04.2023 at 11.30 am.,A1 dashed his auto on the compound wall of the defacto complainant at the time of parking his auto which was condemned by the deceased, hence a wordy quarrel between the parties has taken place in which the accused persons attacked



the deceased with cement bricks indiscriminately and caused death. Hence the case.

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

WEB COPY

4. It is seen that there are two accused in this case and both are husband and wife. When the first accused was parking his auto in front of the house of the defacto complainant there was wordy quarrel between the husband of the defacto complainant and the petitioner and in the said dispute the petitioners attacked the husband of the defacto complainant with cement bricks, therefore he sustained simple injuries and immediately the deceased was taken to hospital and while crossing the road, the deceased fell down and sustained injuries, due to which he died. 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 petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, 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 petitioners shall report before the respondent police daily at 10.30 A.M. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 FI registered under Section 229A IPC.

sd/-
16/06/2023

WEB COPY

/ TRUE COPY /

19/06/2023

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

aav

TO

- 1.JUDICIAL MAGISTRATE NO.II, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON,MADURAI.
- 4.THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10710 of 2023
Date :16/06/2023

RK/CG/SAR- (19/06/2023) 3P/6C