



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/06/2023
PRESENT

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

CRL OP(MD) . No.11581 of 2023

Sabapathi,

... Petitioner/Accused 1

Vs

The State rep.by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.158/2023).

... Respondent/Complainant

For Petitioner : M/S.ILAYARAJA 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.158 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 17.05.2023 for the offence under sections 294(b), 427,324,506(ii) of IPC @ 294(b),427,324,506(ii) and 302 of IPC in Crime No.158 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to some dispute between the parties regarding boundary both parties pelted stones upon each other in which one person sustained injuries and another person died, hence the case.

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

4. It is seen that the petitioners and the deceased are neighbors and there are dispute in respect of fencing the land. At that time of fencing the land the accused persons had thrown stone on the deceased as such the victim sustained injuries and died. Counter complaint was also lodged which as registered in Cr.No.159



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 sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Papanasam 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. for a period of four weeks and thereafter as and when required for interrogation.

[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/-

27/06/2023

/ TRUE COPY /

27/06/2023

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

AAV

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.ILAYARAJA R Advocate SR.No.9633

**ORDER
IN**

CRL OP(MD) No.11581 of 2023
Date :27/06/2023

SA/SSS/SAR. /27.06.2023/3P/7C