



CRL OP(MD). No.13905 of 2023

WEB COPY

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

Date : 04/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13905 of 2023

J.Kasidurai,

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Central Police Station,
Thoothukudi District,
Crime No.196/2022.

... Respondent/Complainant

For Petitioner : Ms. Abiya.K,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.196 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 21.06.2022 for the alleged offence under Sections 341, 302 and 34 of IPC, in Crime No.196 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.06.2022, the defacto complainant, who is the Village Administrative Officer, lodged a complaint stating that a male



CRL OP(MD). No.13905 of 2023

person, who was aged about 35 years, restrained by some persons and attacked with a mace and also done to death. This information was heard by him over cell phone. Hence, he went to the spot and on enquiry, he came to know that there was a previous land dispute between the victim's family and the accused's family. Hence, this occurrence happened. The victim died on the spot and he found with cut injuries on his shoulder, neck and jaw region. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution.

4.Perusal of CD file shows that on the previous enmity, both groups tried to assault each other with deadly weapons. In the above said process, this petitioner alleged to have assaulted the deceased, thereby, the deceased sustained injuries and died on the spot. So far as this petitioner is concerned, he also injured. It is also seen that no counter complaint has been given by this petitioner.

5.The learned Additional Public Prosecutor would submit that Act 14 was initiated against his petitioner earlier and later it was revoked. A Case in S.C.No.290 of 2022 on the file of the I Additional District and Sessions Judge, Thoothukudi is pending in respect of this crime number.

5.Considering the period of incarceration and also considering the fact that the



CRL OP(MD). No.13905 of 2023

WEB COPY

order passed under Act 14 was also revoked, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 I Additional and Sessions Judge, Thoothukudi. The petitioner shall file an undertaking affidavit before the trial Court to the effect that he will not make any trouble to the witnesses. **(*)The petitioner shall stay away from the place of occurrence and he must appear before the trial Court on every hearing in the above said Sessions case.** If any violation of the above conditions is noticed, the bail granted to the petitioner will stand dismissed automatically.

sd/-

04/08/2023

**(*) Being Mentioned as per the order of this
Hon'ble Court dated 09/08/2023 in CRL OP(MD)
No.13905 of 2023.**

/ TRUE COPY /

04/08/2023

Sub-Assistant Registrar (C.S.)

Madurai Bench of Madras High Court,
Madurai - 625 023.

tm



CRL OP(MD). No.13905 of 2023

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 04/08/2023 ALREADY DESPATCHED

1.THE I ADDITIONAL AND SESSIONS JUDGE, THOOTHUKUDI.

2.THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to MS. ABIYA.K Advocate SR.No.11818

ORDER

IN

CRL OP(MD) No.13905 of 2023

Date :04/08/2023

RK (04/08/2023) 4P / 6C

SS/09/08/2023/ 4P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023