



WEB COPY



CRL OP(MD). No.16445 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16445 of 2023

1.Ashok Kumar @ Nimalan

2.Krishnaraj @ Ranjithkumar

3.Chandira

... Petitioners/ Accused Nos.1, 2 & 7

Vs

The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
Crime No.153 of 2023.

... Respondent/ Complainant

For petitioners : Mr.P.CHANDRASEKAR, 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.153 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1, 2 and 7, who were arrested on 16.05.2023 for the alleged offence under Section 147, 148, 120(b), 34, 114 and 302 IPC, in Crime No.153 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant is elder brother of

deceased and they are Sri Lankan refugees. On 07.05.2023, the third accused was

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



CRL OP(MD). No.16445 of 2023

WEB COPY

riding his two wheeler in a rash and negligent manner and tried to hit an aged women, which was warned by the deceased. As per direction of V.A.O, Gangaikondan, the deceased used to sleep in the house of the second accused during rainy season and this created enmity between them. Due to the above said enmity, case and counter case were also registered against both the parties. On 15.05.2023, all the accused persons had conspired together, assaulted the deceased and committed murder. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. There is no eye witness in this case. The petitioners are in custody from 16.05.2023. Hence, prays to release him on bail.

4. The learned Additional Public Prosecutor would submit that final report has been filed and taken cognizance by the learned Judicial Magistrate No.III, Tirunelveli, in C.C.No.253 of 2023. Further, the second petitioner is having two previous cases in Crime No.233 of 2021 for the offences under Sections 294(b), 323, 506(ii) IPC and 142 of 2023 for the offences under Sections 294(b), 323, 506(ii) IPC before the respondent Police Station. So far as the other petitioners are concerned, no previous case is pending against them.

5. Considering the fact that the final report has been filed and it was taken



CRL OP(MD). No.16445 of 2023

WEB COPY

cognizance by the trial Court, even though the second petitioner is having two previous cases at his credit, both are under Section 323 IPC only, other petitioners are having no previous cases and also considering the period of incarceration, this Court is inclined to grant relief to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a personal 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.III, Tirunelveli, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
12/09/2023

/ TRUE COPY /

12/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION, TIRUNELVELI DISTRICT.

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



CRL OP(MD). No.16445 of 2023

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

ORDER
IN
CRL OP(MD) No.16445 of 2023
Date :12/09/2023

SA/SAR. /12.09.2023/4P/6C

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