



CRL OP(MD). No.17413 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17413 of 2023

1. Natarajan

2. Muthumani

... Petitioners/ Accused No.3,4

Vs

Represented by
The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
Crime No.178 of 2023..

... Respondent/ Complainant

For petitioners : Mr.Gavinsilvester J,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.178 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.17413 of 2023

ORDER: The Court made the following order :-

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The petitioners/ Accused Nos.3 & 4, who were arrested and remanded to judicial custody on 07.09.2023, for the offences punishable under Sections 342, 294(b), 307, 324, 326 and 506(ii) of IPC, in Crime No.178 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 26.08.2023, the victim making a call to the defacto complainant stating that he along with one Mano, went to Keelakalanganal to see one Muthuraj. At that time, he met one Kavikuyil, who is the daughter of one Mangalraj. By misunderstanding, Kavikuyil's husband caught hold them. Therefore, the defacto complainant along with the victim's mother and some other persons in his Village, went to the the above said Kavikuyil's house Keelakalanganal. At that time, the accused persons tied the victim with a tree. The first accused attacked the victim with aruval. In which, four fingers of the left hand of the victim were severed. Thereafter, they amputated the wrist portion of the left hand. When the defacto complainant parties were tried to stop the above said incident. The accused persons prevented them. Thereby, the accused persons attacked the victim and against caused injuries in left eye, nose, right hand shoulder and caused severe blood injuries. On seeing the above said occurrence, the above said Kavikuyil jumped into



CRL OP(MD). No.17413 of 2023

a Well. At that time, they went to save the above said kavikuyil. But, they threatened the victim with dire consequences. Thereafter, he was admitted in the hospital. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against him. The petitioners is in judicial custody from 07.09.2023. There is no specific overt act against these petitioners. The petitioners are A3 and A4. Hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that The petitioners the left hand of the victim was amputated. The second petitioner, who is A4, is a lady and there is no specific overt act against her, however, the investigation is still pending. He would further submit that the injured person in this case is still in hospital. A1 and A2 were absconded. He opposed the grant of bail.

5. But, the learned counsel for the petitioners would submit that the injured person has been discharged from the hospital. The investigation in this case is still pending.



6. Heard both side and perused the materials available on record.

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7. Considering the rival submissions on either side, considering the fact that material part of investigation is over, considering the submission made by the learned counsel for the petitioner as injured in this case has been discharged from the hospital, considering that no overt act attributed against the petitioners and also considering the period of incarceration, I am 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, Alangulam and on further conditions that:

[b] the petitioners shall report before the respondent police daily at 10.30 A.M. until further orders.

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

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial



CRL OP(MD). No.17413 of 2023

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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/09/2023

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29/09 /2023

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

TM

TO

1. The Judicial Magistrate, Alangulam.
2. Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Superintendent, Central Prison, Palayamkottai.
4. The Inspector of Police,
Uthumalai Police Station, Tenkasi District.



CRL OP(MD). No.17413 of 2023

5. The Superintendent, Sub Jail, Kokkirakulam.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to S.KUMAR, Advocate SR.No.45328(F)

ORDER

IN

CRL OP(MD) No.17413 of 2023

Date :29/09/2023

SA (29/09/2023) 6P / 8C

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