



CRL OP(MD). No.18179 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18179 of 2023

Sivakumar @ Kishabai,

... Petitioner/ Accused No.2

Vs

**State Rep.by
The Inspector of Police,
Karur Town Police Station,
Karur
(Crime No.571/2023).**

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J,Advocate.

**For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No.571/2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on



CRL OP(MD). No.18179 of 2023

28.08.2023 for the alleged offence punishable under Sections 294(b), 323, 506(ii) and 304(2) of IPC in Crime No.571 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.08.2023 at about 9.00 pm., when the petitioner along with other accused went in a two wheeler in a high speed the deceased asked the accused to go slow , due to which there arose a wordy quarrel in which the accused persons abused the deceased in filthy language, assaulted the deceased with their fist on his back, stomach and caused injuries, due to which he sustained injuries and died. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that no specific overt act has been attributed as against this petitioner. He would further submit that the petitioner is in jail from 28.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein assaulted the deceased and caused his death, hence he objected to grant bail to the petitioner. He would further submit that the investigation has been completed and charge sheet has been filed before the concerned Court.

5. Taking into consideration the nature of allegations and also taking into



CRL OP(MD). No.18179 of 2023

consideration the period of incarceration and also taking into consideration the fact that the investigation has been completed and final report filed before the concerned Court and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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 Judicial Magistrate No.I, Karur and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on receipt of summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned 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

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



CRL OP(MD). No.18179 of 2023

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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/10/2023

/ TRUE COPY /

11/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KARUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, KARUR.
- 4 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.18179 of 2023

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-15022[I] dated 11/10/2023)

WEB COPY

ORDER
IN

CRL OP(MD) No.18179 of 2023

Date :11/10/2023

PKP/11.10.2023/ 5P/ 7C

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