



CRL OP(MD). No.18471 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Karguvel

2. Dhinesh @ Paramasivam

... Petitioners/ Accused No.1 & 2

Vs

State Rep.by

The Inspector of Police,

Thoothukudi South Police Station,

Thoothukudi District.

Crime No.478/2022.

... Respondent/Complainant

For Petitioners : M/s.Suyambulinga Bharathi K, Advocate.

For Respondent : Mr.RMS.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioners/accused on bail in connection with SC No.43/2023 in Crime No.478/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 06.08.2022 for the alleged offences punishable under Sections 147, 148, 341, 294(b), 324, 307, 302 and 506(ii), 34 of IPC @ 120(b), 147, 148, 341, 294(b), 324, 307, 302 and 506 (ii) of IPC in Crime No.478 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was already some dispute while eating food due to which on 05.08.2022 all accused persons along with Karkuvel and



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Dinesh kumar attacked three persons out of which Samuel and Durairaj sustained injuries and Ponsenthil kumar Samuel succumbed to injuries. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are arrayed as A1 and A2 in S.C.No.43 of 2023 in Crime No.478 of 2022.He would further submit that the petitioners are in custody from 06.08.2022, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons has assaulted three persons, out of which two persons sustained injuries and one person died, hence he objected to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the nature of allegations as against the petitioners and also considering the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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



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two sureties each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Thoothukudi 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 petitioners shall appear before the trial Court on receipt of summons

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

(v) the petitioners 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 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].

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

sd/-

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



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TO

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1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.18471 of 2023

Date :19/10/2023

RS//SAR-(19.10.2023) 4P 5C

Madurai Bench of Madras High Court is issuing
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