



CRL OP(MD). No.18353 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD). No.18353 of 2023

K.Sivasangar,

... Petitioner/ Accused 2

Vs

The State rep.by  
The Inspector of Police,  
Kalayarkoil Police Station,  
Sivagangai District.

... Respondent/ Complainant

For Petitioner : Mr.V.KATHIRVELU, Senior Counsel  
for M/s.Rajarajan M, Advocate.

For Respondent : RMS.SETHURAMAN,  
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.323 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 22.08.2023 for the offences punishable under Sections 294(b), 323, 324, 506 (ii) and 302 of IPC, in Crime No.323 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that 21.08.2023 at 10.55 p.m., before the



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Karuppiah mess, the accused persons initially picked up quarrel with the defacto complainant's grandfather. Thereafter, they quarreled with the mess employees. When the defacto complainant's father came there to pacify the matter, he was pushed down by the accused persons. He had fallen on the drum of the car tyre and the car tyre hit the back side of the head, sustained injuries. When he was taken to the hospital, he was declared dead. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. There is no motive between the parties. The petitioner is A2.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused went to the hotel in drunken mood and picked up quarrel with the defacto complainant party, which was questioned by the mess employees. All the accused persons arrested on 22.08.2023. They are rowdy element. He further submitted that no previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and no previous case is pending against the petitioner and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to



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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-I, Sivagangai, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the Inspector of Police, Taluk Police Station, Sivagangai, daily at 10.30 A.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section

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229A IPC.

sd/-  
10/11/2023

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

TTA  
TO  
1 THE JUDICIAL MAGISTRATE NO.I,  
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,  
SUB JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,  
KALAYARKOIL POLICE STATION,  
SIVAGANGAI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,  
TALUK POLICE STATION,  
SIVAGANGAI.



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+1 CC to M/s.M.RAJARAJAN, Advocate ( SR-16184[I] dated 10/11/2023 )

ORDER  
IN  
CRL OP(MD) No.18353 of 2023  
Date :10/11/2023

SA/SAR. /10.11.2023/5P/8C

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