



CRL OP(MD). No.19251 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Kotturaja @ Kotturajan

2. Karuppuraja

3. Alaguraja ... Petitioners/ Accused No.1to 3

Vs

The State Rep.by
The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.
(Crime No.283/2023).

... Respondent/ Complainant

For Petitioners : M/s.Arokiyaselvaramesh S,
Advocate.

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

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



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PRAYER :-
WEB COPY

For Bail in Crime no.283 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 14.08.2023 for the alleged offences punishable under Sections 294(b), 342, 307, 302 and 34 IPC, in Crime No.283 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 14.08.2023 at around 2.00 am the petitioners herein and other accused are alleged to have wrongfully confined the defacto complainant by tie his leg with nylon rope and attacked the deceased and defacto complainant by using iron pipe, woodenlog, knife and sickle and thereby, caused death to the deceased and attempted to commit murder of the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners would submit the petitioners herein are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He

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would further submit the the petitioners herein are in jail from 14.08.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to property dispute the petitioners herein said to have committed the murder of the deceased and also caused injury to the defacto complainant by using iron pipe and woodenlog, knife and the petitioners herein are not having any previous case. He would further submit that the investigation of the case is almost completed.

5. On a perusal of the FIR, it is noticed that all are family members, with regard to the sharing of the property, the said dispute was arose between them. Further, the deceased and other accused went to the accused house and the incident took place in the accused house.

6. Considering the nature of allegations made against the petitioners and that it is family dispute between the parties with regard to the sharing of the property and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and



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others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioners, this Court is inclined to grant bail to the petitioners.

7. 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, Thirupuvanam, Sivagangai District and on further conditions that:

(i) the petitioners shall affix their photograph 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.

* (ii) the petitioners shall appear before the learned Judicial Magistrate, Thiruppuvanam once in a month i.e., 1st working day of every English Calender month at 10.30 am., until further orders.

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

(iv) the petitioners shall not abscond during trial.



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(v) 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].

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

sd/-
31/10/2023

(*)For Being Mentioned as per Order
of this Hon'ble Court dated
30.11.2023 in Cr1.OP(MD) No.19251 of
2023.

/ TRUE COPY /

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

TO
TO BE SUBSTITUTED WITH THE ORDER DATED 30/10/2023 ALREADY
DESPATCHED

1. The Judicial Magistrate, Thirupuvanam, Sivagangai District.
2. -do-Through The Chief Judicial Magistrate, Sivagangai District.
3. The Superintendent, Central Prison, Madurai.

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4. The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.

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

ORDER
IN
CRL OP(MD) No.19251 of 2023
Date :31/10/2023

RD(31/10/2023) 6P / 6C
ED/JGB/SAR- (08/12/2023) 6P / 6C

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