



CRL OP(MD). No.19465 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19465 of 2023

Paratai @ Sundaram @ Mariselvam

... Petitioner/ Accused No.5

Vs

State rep. by
The Inspector of Police,
South Police Station,
Tuticorin,
Tuticorin District.
Crime No.478 of 2022.

... Respondent/ Complainant

For Petitioner : Mr.KA.Ramakrishnan, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.478 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody, on



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07/08/2022 for the offences punishable under sections 147, 148, 341, 294(b), 324, 307, 302, 506(ii) @ 147, 148, 341, 294(b), 307, 302, 506(ii), 120(b), 326 IPC r/w 34 IPC, in Crime No.478 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution in brief:-

The de-facto complainant is working as Parotta Master in Raja Hotel owned by Karuppasamy. One Ponsenthilkumar was working as Cashier. In the above said hotel, one Karguvel and his brother Dinesh Kumar used to take food without paying money. On 04/08/2022 at about 10.30 pm, the above said Karguvel and Dinesh Kumar after eating food tried to leave the hotel without paying money. When that was questioned by Karuppasamy, they refused and Karuppasamy was also criminally intimidated. On 05/08/2022, when they were working in the hotel, the above said Karguvel along with two persons came in a bike. Dinesh Kumar also came in another bike with two persons. At about 11.45 pm, the accused persons assaulted Karuppusamy with aruval. When neighbours intervened, they were also attacked. On seeing the above said assault, the de-facto complainant and Ponsenthilkumar and the owner of the hotel tried to escape from that place in the bike, they were chased by the accused Dinesh Kumar and caused assault with aruval. Ponsenthilkumar was also assaulted. In the above said attack, Ponsenthilkumar died on the spot.



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Palanimurugan and Samuel also sustained injuries. On the basis of the complaint, a case in Crime No.478 of 2022 was registered for the offences under sections 147, 148, 341, 294(b), 324, 307, 302, 506(ii).

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is arrayed as A5 in S.C.No.43 of 2023 in Crime No.478 of 2022. He would further submit that the petitioner is in custody from 07.08.2022, 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 petitioner. Further, he would submit that no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case, also considering the nature of allegations as against the petitioner, co-accused namely A1 and A2 have been granted regular bail by the co-ordinate Bench of this Court, dated 19.10.2023 and also considering the period of incarceration, this Court is inclined to grant bail to the



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petitioner, subject to the following conditions:

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[i] 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, Tuticorin, Tuticorin District 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 concerned trial Court on receipt of summons.

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

(v) the petitioner shall not abscond during the 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



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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].

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

sd/-
02/11/2023

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02/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu
TO

1. The Judicial Magistrate No.I, Tuticorin, Tuticorin District.
2. Do through the Chief Judicial Magistrate, Tuticorin District.
3. The Officer Incharge, District Jail, Perurani, Tuticorin District.
4. The Inspector of Police,
South Police Station,
Tuticorin,
Tuticorin District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

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



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+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-15807[I] dated 02/11/2023)

ORDER
IN
CRL OP(MD) No.19465 of 2023
Date :02/11/2023

SSA/02.11.2023/6P/7C

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