



Crl.O.P.(MD) No.20482 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
[Criminal Jurisdiction]

Date : 23.11.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.20482 of 2023

Palanikumar

... Petitioner/ Accused No.3

Vs

State rep. by
The Inspector of Police,
Kottaipatinam Police Station,
Pudukottai District.
(Crime No.87 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.G.Vishnuram, Advocate

For Respondent : Mr.R.Meenakshisundaram
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 87 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A3, who was arrested and remanded to judicial custody on 12.10.2023 for the alleged offences under Sections 294(b), 323, 342, 364 & 307 of the



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Indian Penal Code, 1860 [hereinafter referred to as IPC] in Crime No.87 of 2023, on the file of the respondent police, filed this petition under Section 439 of the Code of Criminal Procedure, 1973, for bail.

2. The case of the prosecution is that on 12.10.2023, at about 09.00 a.m., due to the prior motive, the petitioner along with other accused attacked the de-facto complainant by using sword (mhpths;) and caused injuries to him. Hence, the case.

3. Earlier, the petitioner along with Accused Nos.1 & 2 moved a petition in Crl.O.P.(MD) No.19268 of 2023 for bail. This Court *vide* order dated 26.10.2023 granted bail only to Accused Nos.1 & 2 and rejected the bail plea of the petitioner after considering the stage of the investigation and considering the antecedents of the petitioner herein.

4. The learned counsel for the petitioner submitted that earlier a dispute arose between the father of Accused Nos.1 & 2 and the son of the de-facto complainant for which a case has been registered in Crime No.266 of 2023 against the son of the de-facto complainant. He further submitted that on the date of occurrence, the petitioner and other accused went to Kottaipattinam in search of de-facto complainant's son to enquire about the incident happened earlier, where, the de-facto complainant and his associates brutally assaulted the petitioner and other accused that was defended by the petitioner and other accused. He further



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submitted that the petitioner has not committed any offence as alleged by the prosecution and has been falsely implicated in the present case without nexus. He further submitted that the petitioner is innocent and law abiding citizen and is incarcerated for the past 40 days. He therefore prayed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that totally, 4 accused are involved in the crime. He further submitted that bail was granted to Accused Nos.1 & 3; that the petitioner has been arrayed as Accused No.3; and that Accused No.4 is still absconding. He further submitted that the injured was admitted to the hospital on 12.10.2023 and discharged from the hospital on 21.10.2023. He further submitted that investigation is not yet completed and that if bail is granted to the petitioner herein, he will cause threat to the witness and thereby delay the investigation. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner has permanent address. He has deep roots in the society. Hence, possibility to abscond is very less. The petitioner and the de-facto complainant are residing in the same locality and both are known persons. Injured/de-facto complainant is discharged from hospital. The petitioner is incarcerated for the past 40 days. Substantial part of investigation could have been



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completed. Considering the above facts and circumstances of the case, this Court does incline to grant bail to the petitioner, however, with conditions to be stated *infra*.

(i) The petitioner is ordered to be released on bail, on executing 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, Aranthangi;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent police daily twice, ie. at 10.00 a.m. and 05.00 for a period of 31 days starting from 01.12.2023 to 31.12.2023;

(iv) The petitioner shall not either directly or indirectly cause any threat to the de-facto complainant and witnesses;

(v) The petitioner shall not enter into the de-facto complainant's house and his workplace; and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance



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with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
23/11/2023

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

JEN

TO

- 1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOTTAIPATINAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.



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

+1 CC to M/s.G.VISHNURAM, Advocate (SR-16743[I] dated 23/11/2023)

ORDER
IN
CRL OP(MD) No.20482 of 2023
Date :23/11/2023

SS/DD/SAR- /23/11/2023/6P/7C

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