



CRL OP(MD). No.22285 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22285 of 2023

Gansesh Pandi

... Petitioner/ Accused Rank-A3

Vs

The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.305 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.E.Mareeskumar, Advocate.

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

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

PRAYER :-

For Bail in Crime no.305 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 on 06.09.2023 for the alleged offence punishable under Sections 147, 148, 294(b), 324, 506 (ii), 307 and 302 of IPC in Crime No.305 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.09.2023, at about 08.30 p.m, when the defacto complainant, the deceased namely, Eswarapandian and others were consuming alcohol, the petitioner along with other accused persons said to have



CRL OP(MD). No.22285 of 2023

abused the deceased in filthy language and assaulted him with aruval and caused murder. At that time, the defacto complainant tried to prevent the same. They also assaulted him with aruval and threatened him and others that they would kill them. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. There is issue between only A1 namely, Gokulkumar and the deceased Eswarapandian. Regarding that issue, case and counter case have been registered and the same are pending. Based on the confession given by the co-accused, the petitioner was implicated in this case. The co-accused A4 and A5 were already granted bail by this Court in Crl.OP(MD)No.19553 of 2023 on 30.11.2023 and the petitioner is in custody from 06.09.2023. Hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation was completed and charge sheet was filed before the learned Judicial Magistrate No.I, Sivakasi and the same was taken on file in PRC.No.21 of 2023.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by the



CRL OP(MD). No.22285 of 2023

Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)

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1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[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 The Judicial Magistrate-I, Sivakasi, 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 trial Court on first working day of every month at 10.30 am., until further orders.

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

(v) the petitioner 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 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].



CRL OP(MD). No.22285 of 2023

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

sd/-
11/12/2023
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11/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAKASI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, VIRDHUNAGAR.
- 4 THE INSPECTOR OF POLICE, SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-17535[I] dated 11/12/2023)

ORDER IN
CRL OP(MD) No.22285 of 2023
Date :11/12/2023

RS//SAR-(11.12.2023) 4P 7C
Madurai Bench of Madras High Court is issuing
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