



CRL OP(MD). No.22623 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22623 of 2023

M.Arulraja,

... Petitioner/ Accused No.18

Vs

**The Inspector of Police,
Jayamangalam Police Station,
Theni District,
Crime No.261/2023.**

... Respondent/Complainant

**For Petitioner : M/s.Ramanathan.AN,Advocate.
For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No.261/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A18, who was arrested and remanded to judicial custody on

28.11.2023 for the alleged offences punishable under Sections 147, 148, 294(b), 323,

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



CRL OP(MD). No.22623 of 2023

342, 506(ii), 302 of IPC @ 147, 148, 294(b), 323, 324, 342, 506(ii), 302, 212 of IPC in Crime No.261 of 2023, , on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was dispute between the parties with regard to the temple festival. Due to the same, on 11.10.2023, the accused persons attacked the deceased with deadly weapons and caused his death. Hence the case

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 28.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons attacked the deceased with deadly weapons and caused his death, hence he objected to grant bail to the petitioner. However he fairly concedes that co- accused were granted bail by this Court.

5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact that co- accused were



CRL OP(MD). No.22623 of 2023

granted bail by this Court and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)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 Judicial Magistrate, Periyakulam, Theni 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 trial Court on the first working day of every English Calendar 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



CRL OP(MD). No.22623 of 2023

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/-
15/12/2023

/ TRUE COPY /

15/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, THENI.
- 4 THE INSPECTOR OF POLICE
JAYAMANGALAM POLICE STATION,
THENI DISTRICT,



CRL OP(MD). No.22623 of 2023

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

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-17821[I] dated 15/12/2023)

ORDER
IN
CRL OP(MD) No.22623 of 2023
Date :15/12/2023

PKP/15.12.2023/ 5P/ 7C

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