



CRL OP(MD). No.428 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.428 of 2024

Thipakaran @ Jeyamohan,

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District,
Crime No.268/2023.

... Respondent/Complainant

For Petitioner : Mr.Anandhapadmanabhan, Senior Counsell
for Mr.T.Indrachithu,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

For Intervenor : Mr.R.Anand, Advocate

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

PRAYER :-

For Bail in Crime No.268/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/A4, who was arrested and remanded to judicial custody on 29.11.2023 for the offences punishable under Sections 294(b), 324, 307, 506(ii) and 109 of IPC, in Crime No.268 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is an Advocate and on 18.07.2023, at about 08.30 a.m., when the defacto complainant was standing in front of his office, A1 to A3 came with deadly weapons, attacked the defacto complainant and caused injuries to him. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A6 and he is nothing to do with any of the accused and the call details between A1 to A5 were produced by the respondent police before this Court and no call details were available to connect the petitioner and the other accused. Hence, he prays for grant of bail to the petitioner.

4.The learned counsel for the intervenor would submit that the de-facto complainant is the practising Advocate, due to previous enmity, the accused persons joined together and tried to attack the defacto complainant in order to finish his life



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and hence, he vehemently opposed to grant bail to the petitioner.

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5.The learned Additional Public Prosecutor appearing for the State concede the submission made by the learned counsel for the intervenor. He would further submit that the petitioner is having four previous cases.

6.On perusal of the records, it reveals that all the call details of the accused persons were produced before this Court and not even produced a single call detail between the petitioner and the other accused and the petitioner has four previous cases under 420 of IPC.

7.Considering the above facts and circumstances of the case and also considering the period of incarceration, this court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail on his 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 Court, Valliyoor, Thirunelveli District, and on further conditions that:



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(a) the sureties shall affix their photographs 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;

(b) the petitioner shall stay at Perambalur and appear before the Inspector of Police, Perambalur Police Station, Perambalur District, daily morning at 10.30 a.m and evening at 05.30 p.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9.However, bail granted to the petitioner will not applicable to the other accused persons.

sd/-
23/01/2024

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23/01/2024
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate , Valliyoor, Thirunelveli District.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent, Central Prison, Palayamkottai, Thirunelveli.
4. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Inspector of Police, Perambalur Police Station, Perambalur District,

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



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WEB COPY +1 CC to M/s.T.INDRACHITHU, Advocate (SR-896[I] dated 23/01/2024)

ORDER
IN
CRL OP(MD) No.428 of 2024
Date :23/01/2024

RK/ (23/01/2024) 6P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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