



CRL OP(MD). No.397 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.397 of 2024

Rajeshkannan

... Petitioner / Accused No.8

Vs

The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(In Crime No.617 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.617 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.8, who was arrested and remanded to judicial custody on 17.11.2023 for the offences punishable under Sections 279, 304(A) of IPC @ 147, 148, 294(b), 302, 307, 120(b) and 506(ii) IPC in Crime No.617 of 2023, on the



file of the respondent police, seeks bail.

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2.The case of the prosecution is that there is an enmity between the petitioner and one Alagusundaram's family during death of one Rajendiran. In continuance to that, on the date of occurrence, the petitioner and other accused were formed into an unlawful assembly with deadly weapons, chased the deceased and one Ayyappan, dashed against their two wheeler by a car and thereby murdered one Sarath. Hence, initially present case was registered under Section 304(A) of IPC and subsequently it was altered into Section 302 IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any such offences as alleged by the prosecution. Further, the petitioner did not drive the said car and he only occupied the car while the another accused dashed against the deceased's two wheeler. Hence, there is no specific overt act attributed against the petitioner. He is in judicial custody for more than 60 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the petitioner did not drive the said car and dashed against the deceased's two wheeler, the petitioner along with other accused persons attacked the deceased and another injured person using wooden log. Further, this Court dismissed the bail petition filed by the accused No.3 in Crl.O.P(MD) No.22518



CRL OP(MD). No.397 of 2024

of 2023 vide order dated 04.01.2024. Hence, he vehemently opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, there is no specific overt act attributed against the petitioner, since the petitioner did not drive the car and he only occupied the car, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and 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 No.II, Sivagangai, and on further conditions that:

(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 is directed to appear before the respondent police daily at 10.30 a.m., until further orders;



CRL OP(MD). No.397 of 2024

WEB COPY

(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;

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

sd/-
10/01/2024

/ TRUE COPY /

10/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The Judicial Magistrate No.II, Sivagangai.



CRL OP(MD). No.397 of 2024

2. Do through the Chief Judicial Magistrate,
Sivagangai District.

3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

4. The Officer Incharge,
District Prison,
Sivagangai.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.397 of 2024
Date :10/01/2024

ED/ /SAR- (10/01/2024) 5P / 6C

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