



CRL OP(MD). No.500 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Kalimuthu,

... Petitioner/ A1

Vs

The State rep. by,
The Sub Inspector of Police,
Austinpatti Police Station,
Madurai District.
Crime No.261 of 2023.

... Respondent/Complainant

For Petitioner : Ms Mohamed Rafi M,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.261 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on

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



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04.11.2023 for the offences punishable under Sections 294(b), 323, 506(1) and 302 of IPC, in Crime No.261 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the de-facto complainant preferred a complaint alleging that on 30.10.2023, her husband, viz., Krishnan went to her relative house and stayed there. On the very next day, one person, namely, Kasirajan came to her house and informed that the said Krishnan met with an accident by an unknown vehicle near Madurai to Kappalur Road, Karuvelampatti Indian Oil Petrol Bunk and admitted in the Madurai Rajaji Hospital. The de-facto complainant on hearing about the same, rushed to the hospital and her husband was given treatment in the hospital. Thereafter, the de-facto complainant made a complaint before the respondent police. Initially, the respondent police registered a case for the offences punishable under Sections 279 and 337 of IPC. After investigation, the case was altered into Sections 294(b), 323, 506(i) and 307 of IPC. While undergoing treatment, the said Krishnan died on 05.11.2023. Thereafter, based on the confession statement given by the co-accused, the case was again altered into Sections 294(b), 323, 506(i) and 302 of IPC. After altercation, the accused was secured. Thereby, the present bail application is filed.



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3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and the deceased person and the petitioner are not known each other and there is no specific overt act attributed against the petitioner and he is in judicial custody since 04.11.2023 and hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State would submit that initially the case was registered for the offences punishable under Sections 279 and 337 of IPC. During the course of investigation, it revealed from the CCTV footage that on the date of occurrence, there was a wordy altercation has taken place among the deceased and the accused persons, due to which, the accused persons abused the deceased in filthy language, pulled his head and hit it on the barricade and thereby, the case was altered into Sections 294(b), 323, 506(i) and 307 of IPC. In the meantime, the deceased lost his life due to severe head injuries. Hence, the case was again altered into Sections 294(b), 323, 506(1) and 302 of IPC based on the confession statement given by the co-accused. He would further submit apart from this case, the petitioner is having one previous case under 392 IPC. Hence, he strongly opposed to grant of bail to the petitioner.



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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, this court is inclined to grant bail to the petitioner with certain conditions.

7. 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, Thirumangalam, 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;

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



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(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/-
11/01/2024

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11 /01/2024
Sub-Assistant Registrar
(C.S. - I/II/ III /IV))
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO

1. The Judicial Magistrate, Thirumangalam.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Officer Incharge,
Virudhunagar Prison,
Virudhunagar
4. The Sub Inspector of Police,
Austinpatti Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.MOHAMED RAFI, Advocate (SR-541[I] dated 11/01/2024)

ORDER
IN

CRL OP(MD) No.500 of 2024

Date :11/01/2024

SSA/11.01.2024/6P/7C

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