



CRL OP(MD). No.596 of 2024

WEB COPY

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

Date : 19.01.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.596 of 2024

1.David Seelan
2.Yosuva

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Tirumangalam Town Police Station,
Madurai District.
(Crime No.517 of 2023)

... Respondent/Complainant

For Petitioners : Mr.G.Thalaimutharasu, 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.517 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who were arrested and remanded to judicial custody on 21.11.2023 for the offences punishable under Sections 294(b), 323, 307 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act @



CRL OP(MD). No.596 of 2024

Sections 294(b), 323, 506(ii) and 302 of IPC, in Crime No.517 of 2023, on the file of the respondent police, seek bail.

WEB COPY

2.The case of the prosecution is that the petitioners are the occupants of the defacto complainant's Mahal, viz., Kodi Mahal, Tirumangalam. Since the activities of the petitioners were not good, the de-facto complainant has asked them to vacate the room, due to which, there was a wordy quarrel between them, in which, the mother of the defacto complainant intervened them, for which, the petitioners abused the defacto complainant's mother in filthy language and pushed her down. Thereby, she lost her life. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and there was a wordy quarrel between the petitioners and the defacto complainant, in which, the deceased/mother of the defacto complainant intervened them and thereby, she accidentally fell down and after treatment in the Velammal hospital, she lost her life. He would further submit that the petitioners are in judicial custody since 21.11.2023. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant of bail stating that there was a wordy quarrel between the parties, the above said occurrence had happened and the defacto complainant has spent a



CRL OP(MD). No.596 of 2024

sum of Rs.5,00,000/- for the deceased for getting treatment in the Velammal Hospital, Madurai.

WEB COPY

5.At this juncture, the learned counsel for the petitioners, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready and willing to deposit a sum of Rs.2,00,000/- to the defacto complainant directly by way of demand draft.

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

7.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners and the petitioners are ready and willing to deposit a sum of Rs.2,00,000/- to the defacto complainant directly by way of demand draft, this court is inclined to grant bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Tirumangalam, 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



CRL OP(MD). No.596 of 2024

their Aadhar card or Bank pass Book to ensure their identity;

WEB COPY

(b) after coming out on bail, the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) by way demand draft drawn in favour of the defacto complainant and the receipt/challan shall be produced before the concerned Court, within a period of six weeks, failing which, the bail already granted shall stand vacated automatically; and thereafter, the concerned Magistrate shall disburse the said demand draft to the defacto complainant;

(c) the petitioners are directed to appear before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



CRL OP(MD). No.596 of 2024

Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

WEB COPY

(g)if the accused thereafter abscond, a fresh FIR can be registered

under Section 229-A IPC.

sd/-
19/01/2024

/ TRUE COPY /

19/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI / DSS

To

1.The Judicial Magistrate,
Thirumangalam.

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

3.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

4.The Officer Incharge,
District Prison, Dindigul.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-809[I] dated 19/01/2024)



WEB COPY



CRL OP(MD). No.596 of 2024

ORDER

IN

CRL OP(MD) No.596 of 2024

Date :19/01/2024

ED/ /SAR- (19/01/2024) 6P / 7C

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