



CRL OP(MD). No.2003 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2003 of 2024

Iyyanraj

... Petitioner/Accused No.3

Vs

**The Inspector of Police,
Eral Police Station,
Thoothukudi District.
In Crime No.131 of 2023.**

... Respondent/Complainant

**For Petitioner : Mr.R.Alagumani,
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.131 of 2023 on the file of the respondent police.



CRL OP(MD). No.2003 of 2024

ORDER : The Court made the following order :-

WEB COPY

The petitioner/Accused, who was arrested and remanded to judicial custody on 05.07.2023 for the offences punishable under Sections 341, 294(b), 302, 506(ii) and 120(B) IPC in Crime No.131 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on earlier occasion, husband of A1's sister was murdered by the deceased and in order to wreck vengeance, on 07.07.2023 at about 7.30 p.m., the petitioner conspired with other accused persons and murdered the deceased namely Ajithkumar. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. The petitioner is the friend of the first accused and except this case, no other case is pending against the petitioner. There is no specific overt act attributed against the petitioner. He would further submit that the petitioner is in judicial custody from 05.07.2023. Hence, he prays for grant bail to the petitioner.



CRL OP(MD). No.2003 of 2024

4.The learned Additional Public Prosecutor appearing for the respondent would submit that it is a retaliation murder. The specific overt act attributed against the petitioner is that at the instigation of the first accused, the petitioner conspired with the other accused persons, attacked the deceased on his forehead with aruval, thereby committed the murder of the deceased. The bail applications filed by the petitioner before the concerned Court were dismissed. After completing the investigation, Charge Sheet was filed before the II Additional District and Sessions Court, Thoothukudi, and the same was taken cognizance in S.C.No.541 of 2023. If the petitioner is released on bail, he may abscond and the trial process would be affected. 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 previous case pending against the petitioner, this Court is inclined to



CRL OP(MD). No.2003 of 2024

grant bail to the petitioner with certain conditions.

WEB COPY

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, Srivaikuntam, 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 concerned trial Court daily at 10.30 a.m., till the disposal of the trial.

(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;



WEB COPY



CRL OP(MD). No.2003 of 2024

(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.

(M D I J)
14.02.2024

Indu



WEB COPY



CRL OP(MD). No.2003 of 2024

M.DHANDAPANI,J

Indu

TO

1. The learned Judicial Magistrate No.II,
Srivaikuntam.
2. Do-Through The Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Superintendent,
Central Prison, Palayamkottai.
- 4.The Inspector of Police,
Eral Police Station,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.2003 of 2024

Date : 14/02/2024