



in CrI.O.P.(MD)No.2412 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD). Nos.2412 and 2413 of 2024

Manimaran

... Petitioner/ A1
in CrI.O.P.(MD)No.2412 of 2024

1.Thirupathi

2. Arulmurugan

... Petitioners/ A3 & A2
in CrI.O.P.(MD)No.2413 of 2024

Vs

The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
Crime No.790 of 2023.

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioner : Mr.S.Sathyachidambaram,
Advocate.

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

For Intervenor : Mr.V.S.Kishok Kumar, Advocate

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



in CrI.O.P.(MD)No.2412 of 2024

COMMON PRAYER :-

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For Bail in Crime No.790 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 25.11.2023 for the offences punishable under Sections 120(B), 147, 148, 342, 294(b), 307, 302 and 109 of IPC, in Crime No.790 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was an enmity between the deceased person, namely, Navaneethan and the accused persons with regard to illegal transportation of PDS rice. On 23.11.2023 at 09.30 p.m., when the deceased and the defacto complainant were standing near one plastic company at Vandiyoor, Madurai, the accused persons came there and attacked defacto complainant and the deceased and thereby, the deceased lost his life and the defacto complainant sustained grievous injuries. 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 they have been falsely implicated in this case. He would further submit that the petitioners are



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in judicial custody from 25.11.2023 and the co-accused have already been released on bail by this Court in CrI.O.P.(MD)Nos.1239 and 1143 of 2024, on 12.02.2024.

Hence, he prays for bail.

4.The learned counsel for the intervenor vehemently opposed to grant bail stating that the petitioners are the history sheeted rowdy elements and they are having previous cases and they brutally committed murder of the deceased.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that A1 is having two previous cases and A2 is having five previous case and A3 is having one previous case. Hence, he strongly opposed to grant bail to the petitioners.

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 facts that the co-accused were already released on bail and the petitioners are in judicial custody from 25.11.2023, this court is inclined to grant bail to the petitioners with certain conditions.



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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 No.VI, Madurai, 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 petitioners are directed to appear before the respondent police daily at 10.30 a.m until further orders;

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

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



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(f)if the accused thereafter abscond, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
15/02/2024

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15/02/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
MADURAI CITY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-1925, 1926[I] dated
15/02/2024)



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ORDER
IN
CRL OP(MD) No.2412 of 2024
Date :15/02/2024

SS/SAR- /15/02/2024/6P/8C

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