



CRL OP(MD). No.4091 of 2024

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

Date : 15/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD). No.4091 of 2024

1.Balamurugan @ Attack
2.Mariselvam

... Petitioners / Accused No.1 & 2

Vs

The Inspector of Police,
Eral Police Station,
Thoothukudi.
(Crime No.131 of 2023)

... Respondent/Complainant

For Petitioners : Mr.T.Selvam, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioners/accused Nos.1 and 2 on bail in S.C.No.541 of 2023 on the file of the learned II Additional District and Sessions Judge, Thoothukudi.

ORDER : The Court made the following order :-

The petitioners, who are facing trial for the offence punishable under Sections 341, 294(b), 302, 506(2) and 120(b) IPC in S.C.No.541 of 2023 on the file of the learned II Additional District and Sessions Judge, Thoothukudi, in Crime No.131 of 2023, seek bail.

2. The case of the prosecution is that on 04.07.2023, due to previous enmity, A1



CRL OP(MD). No.4091 of 2024

along with the accused Nos.2 and 3 assaulted the deceased with Aruval, due to which, the deceased died.

3. The learned counsel appearing for the petitioners would submit that the brother-in-law of the first accused and the deceased were friends. The deceased committed the murder of the brother-in-law of the first accused, due to which, there was a wordy quarrel between the accused persons and the deceased persons and they have no intention to kill the deceased. He would further submit that the co-accused person was granted bail by this Court in Crl.O.P(MD).No.2003 of 2024 on 14.02.2024 and the petitioners are in judicial custody from 05.07.2023. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner is having four previous cases and the second petitioner is having two previous cases. Admittedly, the deceased committed the murder of the brother-in-law of the first accused and for retaliation, the accused persons attacked the deceased with Aruval, due to which, he died. Hence, he vehemently opposed for grant of bail.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioners and the fact that the co-accused person was



CRL OP(MD). No.4091 of 2024

granted bail by this Court in Crl.O.P(MD).No.2003 of 2024 on 14.02.2024, this court

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is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on 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.II, Srivaikundam, 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 concerned trial Court daily at 10.30 a.m., and 05.00 p.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



CRL OP(MD). No.4091 of 2024

WEB COPY

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/-
15/03/2024

(*)(Amended as per order of this Hon'ble Court in CRL MP(MD).4237/2024 in CRL OP(MD). 4091/2024 dated 10/04/2024 by BPJ)

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/04/2024

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

SSB

To

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 15.03.2024

- 1.THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.
- 2.THE JUDICIAL MAGISTRATE NO.III, SRIVAIKUNDAM.
- 3.THE JUDICIAL MAGISTRATE NO.II, SRIVAIKUNDAM.
- 4.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 5.THE INSPECTOR OF POLICE, ERAL POLICE STATION, THOOTHUKUDI.



CRL OP(MD). No.4091 of 2024

6.THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

ORDER IN
CRL OP(MD) No.4091 of 2024
Date :15/03/2024

ED/ /SAR- (15/03/2024) 5P / 7C
RS/ /SAR- (16/04/2024) 5P / 8C

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