



CRL OP(MD). No.4486 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4486 of 2024

1. Satheeskumar,

2. Alagammal,

3. Karuna @ Karunadevi,

... Petitioners/ Accused Nos.1 to 3

Vs

The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No. 60 of 2024.

... Respondent/ Complainant

For Petitioners : Mr.P.Veera Pandi, 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. 60 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 to 3, who were arrested and remanded to judicial



CRL OP(MD). No.4486 of 2024

custody from 21.02.2024 for the alleged offence punishable under Sections 294(b), 341, 323 and 302 IPC in Crime No.60 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is the wife of the deceased. It is seen that already there is a pathway dispute in respect of compound wall between the petitioners and the deceased, due to which, petitioner Nos.2 and 3 were verbally abused the defacto complainant in filthy language and suddenly, the first petitioner attacked the deceased and he fell down and later he died. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 21.02.2024. He would further submit that it is purely a property dispute between the petitioners and the deceased and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to pathway dispute between the petitioners and the deceased, the petitioners attacked the deceased indiscriminately and suddenly, he fell down and due to the fatal injuries, he died in the hospital. Therefore, he vehemently opposed for grant of bail to the petitioners.



CRL OP(MD). No.4486 of 2024

WEB COPY

5. Considering the facts and circumstances of the case and also considering the incarceration suffered by the petitioners, this court is inclined to grant bail to the petitioners, subject to the following conditions:

6. 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, Andipatti, Theni District 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 first petitioner is directed to appear before the T.Kallupatti Police Station daily at 10.30 A.M., until further orders and the Petitioner Nos.2 and 3 are directed to appear before the respondent Police as and when required for interrogation;

(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 petitioner in accordance with
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.4486 of 2024

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/-
21/03/2024

/ TRUE COPY /

21/03/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE OFFICER INCHARGE
ADAIKAMPATTI JAIL, ANDIPATTI TALUK,
THENI DISTRICT.



CRL OP(MD). No.4486 of 2024

- 5 THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
- 6 THE INSPECTOR OF POLICE
T.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-3508[I] dated 21/03/2024)

ORDER
IN
CRL OP(MD) No.4486 of 2024
Date :21/03/2024

PKP/21.03.2024/ 5P/ 9C

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