



CRL OP(MD). No.4855 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Seenivasan

2.Dinesh Babu @ Neruppu Dinesh

3.Sornamoorthy @ Ballon

... Petitioner/ Accused Nos.1 to 3

Vs

The Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai District.
In Crime No.39 of 2024.

... Respondent/Complainant

For Petitioner : Mr.D.RAMESHKUMAR,
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.39 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



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judicial custody on 09.02.2024 for the alleged offences punishable under Sections 294 (b) and 302 of IPC, in Crime No.39 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that A1 developed intimacy with the defacto complainant's sister. However, the deceased is not inclined to perform the marriage between her sister and the A1. Subsequently, his sister got married with some other man. After marriage also, A1 developed intimacy with the defacto complainant's sister. When the same was warned by the defacto complainant and his brother, the deceased attacked the A1. Thereby, A1 made a complaint before the respondent police and the same was registered a case under Section 307 of IPC as against the deceased. In order to wreck vengeance, A1 to A3 assembled together and indiscriminately attacked the deceased. Thereby, the deceased lost his life. Hence, the case.

3.The learned counsel for the petitioners would submit that totally there are eight accused involved in this case and the petitioners are arrayed as A1 to A3. The petitioners did not commit any offences as alleged by the prosecution. Further, the co-accused was enlarged on bail by this Court vide order dated 19.03.2024 in CrI.O.P (MD) No.4320 of 2024. The petitioners are in judicial custody for more than 45 days and hence, he prays for bail.



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4.The learned Additional Public Prosecutor would submit that these petitioners are arrayed as A1 to A3. Due to wreck vengeance, the A1 to A3 indiscriminately attacked the deceased in order to commit murder, hence, the deceased lost his life. Further, four previous cases are pending against the 1st petitioner, six previous cases are pending against the second petitioner and three previous cases are pending against the third petitioner. Hence, he vehemently opposed the grant of bail to the petitioners.

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

6.Considering the facts and circumstances and also considering the previous cases pending against the petitioner Nos.1 and 2, this Court is not inclined to grant bail to the petitioner Nos.1 and 2. Considering the fact that though the third petitioner is having three previous cases at his credit, which are not heinous offences, considering the period of incarceration suffered by him, this Court is inclined to grant bail to the 3rd petitioner, subject to the following conditions:

7.Accordingly, this Criminal Original Petition is partly allowed. In respect of petitioner Nos.1 and 2, this petition is dismissed. Insofar as the 3rd petitioner is concerned, this petition is allowed. The 3rd 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



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two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate

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No.II, Pudukkottai, 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 3rd petitioner shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, Chengalpattu District, daily at 10.30 a.m., until further orders;

(c) the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 3rd petitioner 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 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd 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;



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

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229-A IPC.

sd/-
27/03/2024

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27/03/2024
Sub-Assistant Registrar
(Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU DISTRICT



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ORDER
IN
CRL OP(MD) No.4855 of 2024
Date :27/03/2024

SA/SAR. /27.03.2024/6P/7C

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