



CRL OP(MD).No.5724 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5724 of 2024

1. Velu,

2. Naveen,

... Petitioners/ Accused Nos.3 & 4

Vs

State represented by
The Inspector of Police,
kottar Police Station,
Kanniyakumari District.
(Crime No. 72 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.Ka.Ramakrishnan, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 72 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 08.03.2024 for the alleged offence under

Sections 109, 450, 341, 294(b), 324, 307 and 506(ii) of IPC in Crime No.72 of 2024 on the
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD).No.5724 of 2024

file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute between one Rajagopalan and the first accused, on the instigation of the first accused, on 04.03.2024, the second accused and two unknown persons had entered into the said Rajagopalan's house and attacked him and ran away from the occurrence place. Thereafter, on the intimation from the private hospital, namely, Jeyasekaran Hospital, on 04.03.2024, the Sub Inspector of Police, Kottar Police Station, went to the said private hospital and recorded the statement from one Baskaran, who is the driver of the victim Rajagopalan and on that basis, the respondent Police has registered a case in Crime No.72 of 2024 as against the Vinothini and Arumugapandi for the offence punishable under Sections 109, 450, 341, 294(b), 324, 307 and 506(ii) of IPC.

3.The learned counsel for the petitioners submits that the mother of the A-1 was in live-in relationship with the said Rajagopalan and also, they are having some money transaction. Based on that motive alone, this case has been foisted against the petitioners. The petitioners are in no way connected with the alleged offence. However, they have been implicated as accused 3 and 4 based on the confession statement of A-2. The learned counsel for the petitioners further



CRL OP(MD).No.5724 of 2024

submitted that it is only a case of simple injury, however, a case has been registered under Section 307 of IPC.

4.The learned Additional Public Prosecutor raised serious objection stating that the injured is still in the hospital. However, the submission of the learned Additional Public Prosecutor was disputed by the learned counsel for the petitioners stating that the victim has sustained a simple injury and he had been discharged from the hospital.

5.In order to ascertain whether the injured has been discharged from the hospital, this Court passed over the matter, directing the learned Additional Public Prosecutor to ascertain the nature of injury sustained by the victim. According to the learned Additional Public Prosecutor, the victim has suffered injury on his chest and stomach and he was admitted as inpatient for nine days in the private hospital at Thiruvananthapuram from 05.03.2024. Thereafter, the victim was taking treatment in Jeyasekaran hospital from 13.03.2024 to 09.04.2024 as an inpatient. The learned Additional Public Prosecutor after verification submitted that the victim has already been discharged from the said hospital on 09.04.2024.

6. Considering the facts and circumstances of the case, the period of



CRL OP(MD).No.5724 of 2024

incarceration and also considering the fact that the victim had been discharged from the hospital, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail on the following conditions:-

i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II Nagercoil.

ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter shall appear as and when required. They has to co-operate for the investigation.

iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioners shall be available for the trial as well.



CRL OP(MD).No.5724 of 2024

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v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the bail.

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15/04/2024

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15/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL
- 3 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE
CENTRAL PRISON, NAGERCOIL,
KANYAKUMARI DISTRICT.



CRL OP(MD).No.5724 of 2024

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

ORDER
IN
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Date :15/04/2024

PKP/15.04.2024/ 6P/6C

Madurai Bench of Madras High Court is issuing certified
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