



CRL OP(MD).No.7043 of 2024

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

Date : 08.05.2024

PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE
CRL OP(MD).No.7043 of 2024

Raja

... Petitioner / Accused No.5

Versus

The Sub-Inspector of Police,
Manimuthar Police Station,
Tirunelveli District.
(Crime No.57 of 2024)

... Respondent / Complainant

For Petitioner : Mr.G.Thiruvavutselvan, Advocate

For Respondent : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor

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

PRAYER :-

For bail in Crime No.57 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 23.04.2024 for the offences punishable under Sections 147, 148, 294(b), 352, 323, 324 and 506(ii) of IPC and Section 3 of TNPPDL Act, in Crime No.57 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a wedding ceremony of one



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Santhiya solemnized at South Pillaiyarkovil Street and on the same day, one Velu died due to his ill health and the dead body of the said Velu was taken along the way, where, the marriage ceremony took place. Thereby, there was a wordy quarrel between them, in which, the petitioner and other accused attacked the defacto complainant with deadly weapons, threatened him with dire consequences and also caused damage to the Mini Bus Mirror. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a counter case has also been registered against the defacto complainant. However, he is languishing in jail from 23.04.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the investigation is yet to be completed. However, he fairly conceded that no previous case is pending against the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused



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fleeing from justice and repeating the offence, (e) possibility of the accused petitioner tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offence he is charged with.

8. The Court has to strike a balance between the rights of the accused (petitioner) to his liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following conditions by him.

i) The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamuthiram.

ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy



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of their Aadhar card or Bank Pass Book to ensure their identity

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iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi) 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 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10. Accordingly, this Criminal Original Petition is ordered.

sd/-
08/05/2024

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08/05/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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To
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1.The Judicial Magistrate,
Ambasamuthiram.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Sub Inspector of Police,
Manimuthar Police Station,
Tirunelveli District.

4.The Superintendent,
Central Prison,
Palayamkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.THIRUVARUTSELVAN, Advocate (SR-5312[I] dated 08/05/2024)

ORDER
IN

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Date :08/05/2024

ED/ /SAR- (08/05/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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