



CRL OP(MD). No.8229 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.8229 and 8262 of 2024

CRL OP(MD). No.8229 of 2024

Gowthaman

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Othakadai Police Station,
Madurai District,
(Crime No.107/2024.)

... Respondent/Complainant

For Petitioner : M/s.Ajith.M, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.107/2024 on the file of the respondent police.



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T.Kesavan

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Othakadai Police Staion,
Madurai District.
(Crime No.107 of 2024.)

... Respondent/Complainant

For Petitioner : Mr.Kathirvelu, Senior Counsel
for Mr.K. Prabhu, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime no.107 of 2024 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The respondent police registered a case as against these petitioners in Crime No.107 Of 2024 for the offence under Sections 294(b), 323, 324, 427 and 506(ii) of IPC @ Sections 294(b), 323, 324, 427, 506(ii), 147 and 302 of IPC and remanded the third accused/petitioner in Crl.O.P.(MD)No.8229 of 2024 into judicial custody on 02.04.2024. Therefore, A3 has filed Crl.O.P.(MD)No.8229 of 2024 seeking bail. A2 has filed Crl.O.P.(MD)No.8262 of 2024 seeking anticipatory bail.



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2. The case of the prosecution is that on 31.03.2024 at about 06.30 hours, there was a wordy quarrel between the defacto complainant and the accused persons. The accused have abused the defacto complainant and his friends and also brutally assaulted them and murdered one Sivaprakash. Hence, the complaint.

3. The learned Senior Counsel appearing for the second accused and the learned counsel appearing for the third accused submit that the occurrence had taken place in a narrow village road. According to them, the deceased party are the aggressors. Both the groups travelled in two two-wheelers in opposite directions and dashed against each other, in which, the defacto complainant's friend, by name, Surya's slipper fell down, due to which, there was a clash between both the groups and one of the persons has suffered injury. One Sivaprakash, the deceased in this case, sustained grievous injuries and therefore, he was admitted in the Madurai Rajaji Government Hospital. Thereafter, the complaint was lodged only on 01.04.2024. As per the averment in the complaint, all the accused assaulted with hands and also pelted stones. The case was initially registered for the offence under Sections 294(b), 323, 324, 427 and 506(ii) of IPC. The injured, Sivaprakash, who was admitted in the hospital, died on 05.04.2024 and thereafter, the offences were altered by inserting the offence under Sections 147 and 302 of IPC.



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submission.

4. The learned Additional Public Prosecutor has also confirmed the said submission.

5. Considering the facts that the accident register and the initial report have been projected that it is only an accident and the general allegations are made against all the five accused, this Court is inclined to grant bail to A3 and anticipatory bail to A2.

6. Accordingly, both the Criminal Original Petitions are ordered. The petitioner in Crl.O.P.(MD)No.8229 of 2024/ A3 is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, Madurai District.

ii) The petitioner 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 petitioner shall appear before the respondent police daily at 10.30 a.m and 05.00 p.m. until further orders.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the



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prosecution witnesses. He shall be available for the trial as well.

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

7. The petitioner in CrI.O.P.(MD)No.8262 of 2024/ A2 is ordered to be released on bail in the event of his arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate on condition that

(i) the petitioner execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, Madurai District.

(ii) The petitioner 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 petitioner shall appear before the respondent police daily at 10.30 a.m and 05.00 p.m. until further orders.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.



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

sd/-
06/06/2024

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06/06/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judicial Magistrate,
Melur, Madurai District.

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

3.The Inspector of Police,
Othakadi Police Station,
Madurai District.

4.The Officer Incharge,
Central Sub Jail,
Virudhunagar at Virudhunagar District.

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

+1 CC to M/s.M.AJITH, Advocate (SR-6171[I] dated 06/06/2024)



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+1 CC to M/s.K.PRABHU, Advocate (SR-6180[I] dated 06/06/2024)

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ORDER
IN

CRL OP(MD). Nos.8229 and 8262 of 2024

Date :06/06/2024

ED/ /SAR- (04/06/2024) 7P / 8C

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