



CRL OP(MD). No.10612 of 2024

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

Date : 16/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.10612 of 2024

Chellappa

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No. 209/2023.)

... Respondent/Complainant

For Petitioner : M/s.S.Vishnuvardhan, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER : To enlarge the petitioner / accused No.2 on bail in connection with the case in S.C No. 56/2024 on the file of the learned I Additional District and Sessions Judge, Thoothukudi in connection with the Crime No. 209/2023 on the file of the respondent.

ORDER : The Court made the following order :-

The petitioner/ A2, who is facing a case for the offence under Sections 147, 148, 294(b), 302, 506(ii), 120(b) of IPC and Section 3 of Explosive Substances Act, in S.C No. 56/2024 on the file of the learned I Additional District and Sessions Judge, Thoothukudi, in Crime No. 209/2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that it is a case of retaliation murder. Due to



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wreck vengeance for the murder of one Karuppasamy, the petitioner and the other accused have trespassed into the office of the deceased and brutally attacked him with deadly weapons and murdered him. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused was already released on bail and the petitioner is in judicial custody from 18.08.2023. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that now, the case is pending for trial and the petitioner is having 10 previous cases including two 302 IPC cases. Hence, he strongly opposed to grant bail to the petitioner. But, however, he fairly conceded that the co-accused was already released on bail.

5.Considering the period of incarceration and also considering the facts that the case is pending for trial and the co-accused was already released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the 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 two sureties each for a like sum to the satisfaction of the I Additional District and Sessions Judge, Thoothukudi.



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(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall appear before the trial Court for each and every hearing dates without fail;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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To

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- 1.The I Additional District and Sessions Judge,
Thoothukudi.
- 2.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
- 3.The Superintendent,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.10612 of 2024

Date :16/07/2024

ED/ /SAR- (16/07/2024) 4P / 5C

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