



WEB COPY

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

Date : 04/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18152 of 2024

Karuppaiah @ Sundu Karuppaiah

... Petitioner/ Accused No.4

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
Crime No. 509/2024.

... Respondent/ Complainant

For Petitioner : Ms.Abinaya M,

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 509 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on



new penal code) @ 103(1) and 61(2) of new penal code in Crime No.509 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a rivalry between two rival groups. The defacto complainant is the brother of the deceased. The rival group was headed by the first accused and the other group was headed by Ottiyan. The deceased was attempting to compromise the dispute between both the groups. During that process, the group headed by the first accused developed enmity against the deceased and decided to do away with the deceased. Accordingly, on 21.07.2024, the first accused asked the deceased to come to the place of occurrence in the guise of having drinks with him. The deceased having reached the place of occurrence, was attacked by the accused persons with deadly weapons and as a result, the deceased succumbed to the injuries. There are totally nine accused persons in this case and the petitioner has been ranked as fourth accused.

3. The learned Counsel appearing for the petitioner submitted that the petitioner has been roped in this case only based on the confession of the co-accused and that there is absolutely no eye witness in this case to point out to the presence of the petitioner in the place of occurrence. The learned Counsel further submitted that the petitioner has already suffered incarceration for nearly 86 days.

4. Per contra, the learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the petitioner is a history-sheeter and he has four previous cases against him. The learned Additional Public Prosecutor further



submitted that the investigation has been completed and the police report has been filed before the concerned Court on 18.10.2024 and the same is yet to be taken on file. Considering the antecedents of the petitioner, steps are also being taken to invoke Act 14 of 1982 against the petitioner.

5. In the considered view of this Court that the petitioner has already suffered incarceration for 86 days, that apart, three of the accused persons, namely, A6, A7 and A9 have already been enlarged on bail by this Court and that apart, the investigation has been completed and final report has already been filed before the concerned Court, in view of the same, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on 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 learned Judicial Magistrate No.VI, Madurai, 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 petitioner shall report before the learned Judicial Magistrate No.VI, Madurai daily at 10.30 a.m until further orders except on the days when the case is posted for hearing before the trial Court.



[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/11/2024

/ TRUE COPY /

04/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Judicial Magistrate No.VI,
Madurai.

2.Do Through,

<https://www.mhc.tn.gov.in/judis>
The Chief Judicial Magistrate, Madurai.



3. The Superintendent,
Central Prison,
Madurai.

4. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

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

+1. CC to S.T.Sasidharan Tamilkani, Advocate SR.No.13552

ORDER
IN
CRL OP(MD) No.18152 of 2024
Date :04/11/2024

MGJ(04.11.2024) 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023