



CRL OP(MD). No.19004 of 2024

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.19004 of 2024

K.Kalaiyan @ Subburaj @ Shanmugavel

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thirumangalam Taluk P.S.
Cr.No.67/2023.

... Respondent/ Complainant

For Petitioner : M/s.Gnanavel.K,

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the petitioner on bail in crime No.67 of 2023 on the file of the Inspector of Police, Thirumangalam Taluk Police Station, Madurai District, pending investigation.

ORDER : The Court made the following order :-

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

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CRL OP(MD). No.19004 of 2024

28.09.2024 for the offences under Sections 279, 337 and 304(A) IPC @ Sections 147, 148, 149, 120(B), 109, 302 and 201 IPC in Crime No.67 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that initially, the case was registered for the offence under Sections 279, 337 and 304(A) IPC against the Driver of the vehicle, who is said to have dashed against the deceased and resulting in his death. Investigation revealed that totally ten accused persons were involved in this case and the deceased was an Army man and his wife is said to have had illicit intimacy with the first accused. On 02.04.2023, the accused persons attempted to create an impression as if the deceased was travelling in his two-wheeler and in the scene of occurrence, a four-wheeler, which was driven by the sixth accused dashed the two wheeler. As a result of which, the deceased fell down. It came to light that all the other accused persons were waiting in the place of occurrence and they had attacked the deceased with iron rod and thereafter, he was brought to the road and the sixth accused was made to run over the vehicle on the deceased to give an impression that the entire incident had taken place due to an accident. This Court had ordered for further investigation and pursuant to the same, the offence was altered to Sections 147, 148, 149, 120(B), 109, 302 and 201 IPC. The petitioner has been arrayed as seventh accused in this case.



CRL OP(MD). No.19004 of 2024

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3. The learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and that the petitioner has nothing to do with the alleged offences. The learned Counsel further submitted that the petitioner has already suffered incarceration for 38 days and that almost all the co-accused have been released on bail.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that the case in hand is a clear case of conspiracy that was hatched by the accused persons to do away with the deceased, who is said to have had illegal intimacy with the wife of the deceased. In fact, initially information was given by the wife of the deceased and she was the informant, who was subsequently made as an accused and was ranked as A2. The learned Additional Public Prosecutor further submitted that further investigation is almost at the verge of completion and that there are no previous antecedent against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also of the fact that almost all the other accused persons have been enlarged on bail except A8 and the fact that this petitioner has already suffered incarceration for 36 days and the further investigation is almost at the verge of completion, 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



CRL OP(MD). No.19004 of 2024

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, Thirumangalam, Madurai District, 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 respondent police every Friday at 05.30 p.m for a period of four weeks and thereafter, the petitioner shall appear before the learned Judicial Magistrate, Thirumangalam, Madurai District, once in fifteen days 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

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CRL OP(MD). No.19004 of 2024

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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

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

LR

TO

1. The Judicial Magistrate,
Thirumangalam,
Madurai District.

2. Do through
The Chief Judicial Magistrate,
Madurai.

3. The Superintendent,
Central Prison,
Madurai.



CRL OP(MD). No.19004 of 2024

4. The Inspector of Police,
Thirumangalam Taluk P.S.

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

+1Cc to M/s.L/Gnanavel, Advocate (SR-13548[I], dated 04/11/2024)

ORDER
IN
CRL OP(MD) No.19004 of 2024
Date : 04/11/2024

SL(04.11.2024)/ 6P/ 7C

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