



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

Wednesday, the Sixth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11162 of 2016

1 THANGADURAI
2 S.KANNAN
3 P.KANNAN

... PETITIONERS/ACCUSED 4 to 6

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 151/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.R.DURAIRAJ Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused Nos. 4 to 6 were arrested and remanded to judicial custody on 29.05.2016 for the alleged offences punishable under Sections 147,341,294(b),323,506(ii) of IPC, 379 NH IPC @ into 147,148,341, 294(b), 323, 506(ii) of IPC and Section 3 of TNPPDL Act in Crime No.151 of 2016, on the file of the respondent police and hence, seeks bail.

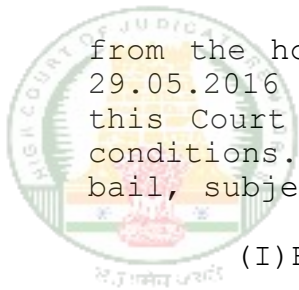
2.The case of the prosecution is that due to wordy quarrel arose between the petitioners and the defacto complainant in the temple festival, the petitioners along with other accused attacked the defacto complainant with deadly weapons and abused him in filthy language and also threatened with dire consequences. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to deposit a sum of Rs.2,000/- each and prays for enlarging the petitioners on bail.

4.The learned Government Advocate(Crl.side) submitted that the injured person has been discharged from the hospital. He further submitted that if the petitioners are enlarged on bail there is a possibility of communal clash and prays for dismissal of this petition.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged



from the hospital and that the petitioners are in judicial custody from 29.05.2016 and that the petitioners are willing to deposit the amount, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners is ordered to be released on bail, subject to the following conditions:

- (I) Each of the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of above said Crime No.151 of 2016 on the file of the learned Judicial Magistrate No.V, Thirunelveli.
- (ii) Each of the petitioner shall execute 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.V, Thirunelveli.
- (iii) the petitioners shall stay at Thanjavur and report before the Inspector of Police, GH Police Station, Thanjavur, daily at 10.00 am until further orders.
- (iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioners shall not abscond either during investigation or trial.
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners is complying with the condition or not.

sd/-

06/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON, PALAYAMKOTTAI.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECOR OF POLICE, GH POLICE STATION, THANJAVUR.
- 6 THE INSPECTOR OF POLICE, MUNNIRPALLAM POLICE STATION, TIRUNELVELI DISTRICT,

+1. CC to M/S Jeyakarthik, Advocate SR.No.35259.

ORDER

IN

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Date :06/07/2016