



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

Wednesday, the Second day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10125 of 2017

1 SURESH
2 THANGARAJ
3 DHARMARAJ

... PETITIONERS/ ACCUSED NO.1,3 & 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
UPPILIYAPURAM POLICE STATION,
TRICHY DISTRICT.
IN CRIME NO.170 OF 2017

... RESPONDENT/ COMPLAINANT

For Petitioners: M/S.M.JEGADEESH PANDIAN Advocate

For Respondent : M/S.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR

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

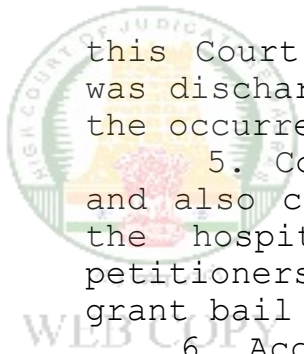
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 17.07.2017, for the offences punishable under Sections 147, 148, 294(b), 323 and 307 of IPC., in Crime No. 170 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to wordy quarrel in 'Adal-Padal Programme' during the temple festival, the first petitioner said to have attacked with stone on the head of the defacto complainant and A3 and A4 said to have attacked with hands on the son of the defacto complainant and caused injuries.

3. The learned counsel appearing for the petitioner states that the allegation levelled against the petitioners are false and the same is motivated one and there is a case in counter in Crime No.171 of 2017 against the defacto complainant in this case and others.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally five accused in this case and the petitioners herein are arrayed as A1, A3 and A4 respectively. Due to wordy quarrel in 'Adal-Padal Programme' during the temple festival, the first petitioner said to have attacked with stone on the head of the defacto complainant and A3 and A4 said to have attacked with hands on the son of the defacto complainant and caused injuries. He would further submit that the Anticipatory Bail application moved by A2 and A5 are pending before



this Court. The victim in this case suffered head injuries and he was discharged from the hospital and Police Picketing also posted in the occurrence area and tension also still prevails.

5. Considering the above facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and tension prevails over the area, since the petitioners belong to SC/ST Community, this Court is inclined to grant bail to the petitioners subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur, Trichy District, and on further condition that:

[a] the petitioners shall stay at Madurai and report before the learned Judicial Magistrate No.2, Madurai, daily at 10.30 a.m., until further orders, for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial and the petitioners shall co-operate with the investigation by the respondent police.

[d] 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 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].

sd/-

02/08/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THURAIYUR, TRICHY DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE JUDICIAL MAGISTRATE NO.2. MADURAI.
4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
5. THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN, MADURAI.
6. THE INSPECTOR OF POLICE
UPPILIYAPURAM POLICE STATION, TRICHY DISTRICT.
7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.27932

ORDER

IN

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Date : 02/08/2017