



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

Wednesday, the Sixteenth day of August Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) Nos.10761 and 10762 of 2017

1 MADAN KUMAR

2 MUNIASAMY @ SIVAM

... PETITIONERS/ ACCUSED NOS.1 & 2
IN BOTH THE PETITIONS

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE
TISAYANVILLAI POLICE STATION,
CRIME NO.176/2017,
TIRUNELVELI DISTRICT.

... RESPONDENT/ COMPLAINANT
IN CRL OP(MD) NO.10761 OF 2017

STATE REP.BY

THE INSPECTOR OF POLICE,
UVARI POLICE STATION,
CRIME NO.69/2017,
TIRUNELVELI DISTRICT.

... RESPONDENT/ COMPLAINANT
IN CRL OP(MD) NO.10762 OF 2017

For Petitioners: M/S. V.KATHIRVELU, Senior Counsel for
K.PRABHU, Advocate in both the petitions

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR
in both the petitions

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

ORDER : The Court Made the following order :-

The petitioners in both the Criminal Original Petitions are one and the same, who were arrested and remanded to judicial custody on 05.06.2017, for the offences punishable under Sections 341, 294(b), 387, 307 & 506(ii) of IPC., and for the offences under Sections 147, 148, 341, 342, 294(b), 387, 307 and 506(ii) of IPC., and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime Nos.176 & 69 of 2017 respectively, on the file of respective respondent police, seek bail.

2. The case of the prosecution in Crime No.176 of 2017 is that the accused said to have threatened the defacto complainant with knife and demanded a sum of Rs.1000/- and since the defacto



complainant has refused the same, the 3rd accused herein said to have attempted to stab on the chest of the defacto complainant with knife, but the defacto complainant moved away and no injury is sustained. The case of the prosecution in Crime No.69 of 2017 is that the accused said to have threatened the defacto complainant with knife and a cellphone worth about to Rs.3000/- was taken away from the defacto complainant by A1 and thrown out the cellphone in the ground and caused damage.

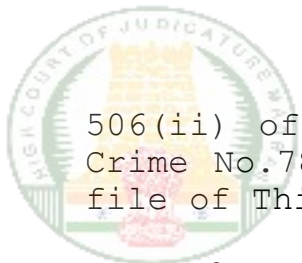
3. The learned counsel appearing for the petitioners states that the petitioners were forcibly taken without any intimation and brutally beaten by the Police and the petitioners leg was broke by Police and other accused fingers and legs were also broken and only in order to escape from the allegation, Crime No. 176 of 2017 was put up against the petitioners and other accused. Further, in order to prevent the petitioners from coming out on bail, the false cases were foisted with false allegations by the respondent against the petitioners and the other accused.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 3 named accused in Crime No. 176 of 2017 on the file of the respondent Police and the petitioners herein are arrayed as A2 and A3 respectively. The alleged occurrence took place on 04.06.2017 and the petitioners were arrested in the said Crime Number on 05.06.2017.

5. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would further submit that there are totally 4 named accused and 2 unnamed accused in in Crime No.69 of 2017 in respect of the occurrence dated 02.06.2017 and the petitioners herein are arrayed as A1 and A2 respectively.

6. The learned Additional Public Prosecutor would submit that the first petitioner is having previous cases in Crime No.556 of 2015, for the offences under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC., and Section 3 of TNPPDL Act; In Crime No.704 of 2016, for the offences under Sections 294(b), 307 and 506(ii) of IPC., and Section 3 of TNPPDL Act; In Crime No.229 of 2014 for the offences under Sections 147, 148, 294(b), 302 and 506(ii) of IPC.; in Crime No.631 of 2013 for the offence under Sections 294(b), 323, 506(ii) of IPC., on the file of Inspector of Police, Thoothukudi Police Station. In Crime No.29 of 2017, u/s. 294(b), 324 of IPC., @ 307 of IPC., and Crime No.176 of 2017, u/s. 341, 294(b), 387, 307 and 506(ii) of IPC., on the file of Thisyanvilai Police Station.

7. He also submitted that the 2nd petitioner is also having previous cases in Crime No.302 of 2014 u/s.147 and 365 of IPC., and 102(b), 147, 148, 365, 302 and 201 of IPC.; In Crime No.923 of 2015 u/s.294(b), 307, 506(ii) of IPC., on the file of Thoothukudi Police Station; Crime No.790 of 2009 u/s.341, 294(b), 387, 307 and



506(ii) of IPC., on the file of Thoothukudi South Police Station; Crime No.783 of 2009 u/s.147, 148, 302 and 506(ii) of IPC., on the file of Thisyanvilai Police Station.

8. Considering the above facts and circumstances of the case and also considering the fact that no one is sustained injury in the occurrence and the period of incarceration of the petitioners herein, this Court is inclined to grant bail to the petitioners subject to certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on their each 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, Nanguneri and learned Judicial Magistrate, Valliyoor, respectively in CrI.O.P.(MD) No.10761 & 10762 of 2017 and on further condition that:

[a] the petitioners shall stay at Tirunelveli and to appear before the learned Judicial Magistrate No.2, Tirunelveli, daily at 10.30 a.m., until further orders.

[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/-
16/08/2017

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

TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.

2. THE JUDICIAL MAGISTRATE, VALLIYOOR,

3. THE JUDICIAL MAGISTRATE NO.2, TIRUNELVELI.

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

4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.



5. THE SUB INSPECTOR OF POLICE
TISAYANVILLAI POLICE STATION, TIRUNELVELI DISTRICT.

6. THE INSPECTOR OF POLICE,
UVARI POLICE STATION, TIRUNELVELI DISTRICT.

7. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

8. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.K.PRABHU Advocate SR.Nos.28726, 28727

ORDER

IN

CRL OP (MD) Nos.10761 and
10762 of 2017

Date :16/08/2017

MS/CM-MSA/SAR.3/16.08.2017/4P.11C