



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

Wednesday, the Twenty Third day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11136 of 2017

1 KOMBAIAH @ DURAI
2 THANUSHKODI

... PETITIONERS / ACCUSED NOS.2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.201/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

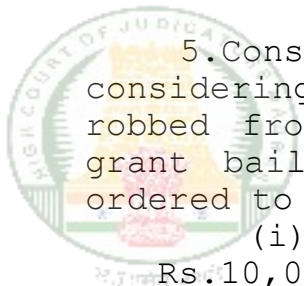
ORDER : The Court Made the following order :-

The petitioners / A2 and A3, who were arrested on 04.08.2017 for the offences punishable under Sections 341, 294(b), 387, 506 (ii), 307 IPC in Crime No.201 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused demanded a sum of Rs.1000/- for consuming liquor from the de facto complainant and when the same was denied by the de facto complainant, A1 attacked him with aruval, however, he escaped from the same and A2 & A3 have attacked him with stick.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor submitted that totally there are 3 accused and the petitioners are arrayed as A2 & A3 in this case. He also submitted that A1 was enlarged on anticipatory bail by the concerned Sessions Court in CrI.M.P.No.2472 of 2017 on 23.08.2017. He further submitted that no one sustained injury and investigation is still pending.



5. Considering the facts and circumstances of the case and considering the fact that one sustained injury and no amount was robbed from the de facto complainant, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute 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 Judicial Magistrate, Srivaikundam;

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

23/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 OFFICER IN CHARGE, DISTRICT JAIL, SRIVAIKUNDAM.
- 4 OFFICER IN CHARGE, BORSTAL SCHOOL, NANGUNERI.
- 5 THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.29200

ORDER

IN

CRL OP(MD) No.11136 of 2017

Date :23/08/2017