



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

Cr1.O.P. (MD) Nos.13315 and 13333 of 2017

VELU

... PETITIONER / ACCUSED NO.1
IN Cr1.O.P. (MD) Nos.13315 of 2017

MAHESWARI

... PETITIONER / 3rd ACCUSED
IN Cr1.O.P. (MD) Nos.13333 of 2017

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TRICHY.
(CRIME NO.331 OF 2017)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners: M/S.T.SENTHIL KUMAR Advocate
in both the petitions

For Respondent : M/S.C.RAMESH, 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 / A1 & A3, who were arrested on 13.09.2017, for the offences punishable under Sections 294(b), 448 and 307 IPC., in Crime Nos.331 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to enmity with regard to throwing garbage, the petitioners along with the other accused are alleged to have attacked the defacto complainant with aruval on his hand.

3.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent / Police.

4.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are residing in opposite houses and there is enmity between the two families with regard to throwing garbage. For the very same issue, on the date of occurrence, there was a quarrel, in which the defacto complainant



only threw a stone on the petitioner's house. The petitioners are innocent. They have not committed any offence as alleged in the complaint.

5. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital on 25.09.2017.

6. Considering the facts and circumstances of the case and considering the fact that the injured has been discharged from the hospital, 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) Each 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 Judicial Magistrate No.III, Trichy;

(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/-

28/09/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE SUPERINTENDENT, CENTRAL PRISON (WOMEN PRISON), TRICHY.
5. THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION, TRICHY.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.SENTHIL KUMAR Advocate SR.No.31929

ORDER IN

Crl.O.P.(MD) Nos.13315 and 13333
of 2017

Date : 28/09/2017