



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

Wednesday, the Eighth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15177 of 2017

1 BALAKRISHNAN

2 SURESH

... PETITIONERS/ACCUSED 2 & 3

Vs

STATE REP BY

THE INSPECTOR OF POLICE

SEEVALAPERI POLICE STATION,

TIRUNELVELI DISTRICT

(CRIME NO.182 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

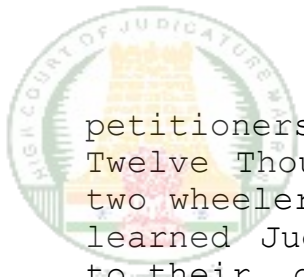
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.2 and 3 were arrested and remanded to judicial custody on 30.10.2017 by the respondent police for the offences punishable under Section 294(b) I.P.C., and Section 4 of TNPPDL Act, 1992, in Crime Nos.182 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 29.10.2017, the defacto complainant had proceeded in the two-wheeler bearing Registration No.TN-72-BD-3593 to Melappalamadai River, at that time, the accused persons were standing in the middle of the road and as such, the defacto complainant had requested them not to stand in the middle of the road, thereby, there was a wordy quarrel in between them. Due to that, the petitioners herein set fired the defacto complainant's two wheeler and caused damages to the tune of Rs.35,000/-. Aggrieved by the same, the defacto complaint has lodged a complaint before the respondent police against these petitioners/accused herein.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However in order to show the bona fide of the petitioners, the learned counsel for the



petitioners fairly conceded to deposit a sum of Rs.12,500/- (Rupees Twelve Thousand and Five Hundred only) each, towards damage of the two wheeler to the credit of Crime No.182 of 2017 on the file of the learned Judicial Magistrate No.III, Tirunelveli, without prejudice to their defence before the trial Court.

WEB COPY

4.The learned Government Advocate (Criminal side) appearing for the State submitted that due to the wordy quarrel, the petitioners herein set fired the defacto complainant's two wheeler and caused damage to the tune of Rs.35,000/- and investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioners that he would deposit a sum of Rs.12,500/- each towards damage of the defacto complainant's two wheeler, I am 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 deposit a sum of Rs.12,500/- (Rupees Twelve Thousand and Five Hundred only) each to the credit of Crime No.182 of 2017 on the file of the Judicial Magistrate No.III, Tirunelveli, without prejudice to their defence before the trial Court and on such deposit, the concerned Magistrate is directed to disburse the same to the defacto complainant.

(ii) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.

(iii) the petitioners shall report before the concerned Court, daily at 10.30 a.m., 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) the petitioners shall not commit any offence while on bail;

(vii) 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 and the bail granted stands cancelled automatically.

sd/-

08/11/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.34055

ORDER

IN

CRL OP(MD) No.15177 of 2017

Date :08/11/2017

SMA/PM-PN/SAR-4/08.11.2017:3P/7c