



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

Wednesday, the Seventeenth day of May Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.5604 and 5620 of 2017

1 DURAIPANDI
2 PERUMALSAMY

... PETITIONERS/ ACCUSED NO.5 & 6
IN CRL OP(MD)NO.5604/2017

1 THIRUMALAICHAMY
2 MUTHUKUMARASAMY
3 SUBBA RAJ
4 KOTTAISAMY

... PETITIONERS/ ACCUSED NO.1 TO 4
IN CRL OP(MD)NO.5620/2017

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO. 30/2017

... RESPONDENT / COMPLAINANT
IN CRL OP(MD)NO.5604/2017

STATE REPRESENTED BY
SUB-INSPECTOR OF POLICE
AYYAPURAM POLICE STATION,
CRIME NO. 30/2017
TIRUNELVELI DISTRICT

... RESPONDENT / COMPLAINANT
IN CRL OP(MD)NO.5620/2017

For Petitioners : M/S.G.THALAIMUTHARASU Advocate
IN CRL OP(MD)NO.5604/2017

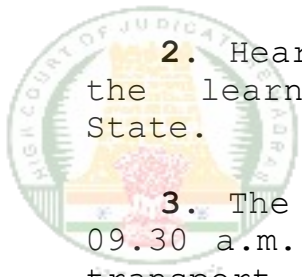
For Petitioners : M/S.J.SENTHIL KUMAR Advocate
IN CRL OP(MD)NO.5620/2017

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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 21.04.2017 and 22.04.2017, for the offences punishable under Sections 147, 294(b), 353, 307, 506(ii) and 379 (Sand Theft) I.P.C., in Crime No.30 of 2017, on the file of the respondent Police, seeks bail.



2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the State.

3. The case of the prosecution is that on 21.04.2017, at about 09.30 a.m., without any valid permission, the petitioners tried to transport sand and the first accused scolded the *de facto* complainant in filthy language and tried to kill him by dashing a Tractor against him.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution.

5. The learned Government Advocate appearing for the State strongly objected to grant bail to the petitioners.

6. Taking into consideration the facts and circumstances of this case, considering the gravity of offence said to have been committed by the petitioners and also the period of incarceration, this Court is of the view that this is a fit case to grant bail to the petitioners. Accordingly, they are ordered to be released on bail, subject to the following conditions:

- (i) each of the petitioners 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 learned Judicial Magistrate, Sankarankoil.
- (ii) the petitioners shall stay at Madurai and report before the learned Judicial Magistrate No.I, Madurai, daily at 10.30 a.m., until further orders.
- (iii) the petitioners shall not tamper with 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 learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners 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/-

17/05/2017

/ TRUE COPY /



KRK

TO

1 THE JUDICIAL MAGISTRATE, SAKARANKOIL

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE JUDICIAL MAGISTRATE NO.I, MADURAI

4 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

5 THE INSPECTOR OF POLICE, AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT

6 THE SUB INSPECTOR OF POLICE, AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT

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

8 THE OFFICER INCHARGE SUB JAIL, SANKARANKOVIL

9 THE OFFICER INCHARGE
BORSTAL SCHOOL, NANGUNERI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.22306

+1cc to M/S.J.SENTHIL KUMAR Advocate in SR.No. 22192

GJM/PN/SAR-3-18.5.17-2P-12C

ORDER

IN

CRL OP(MD) No.5604 & 5620 of 2017

Date :17/05/2017