



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3826 of 2018

1 N.PACKIYARAJ
2 S.PAULRAJ
3 N.BABU
4 A.SENTHILKUMAR
5 S.VASANTHAKUMAR
6 PASTIN VINOTHKUMAR

... PETITIONERS / ACCUSED 1,2,5 TO 8

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THOGUR WEST POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO.13 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.B.S.MELTIUE Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

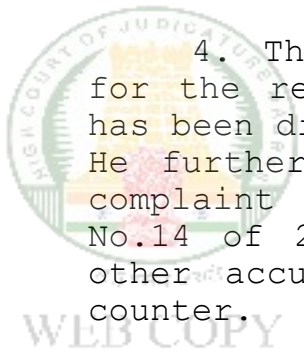
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1, A2, A5 to A8, who were arrested and remanded to judicial custody on 02.02.2018 for the alleged offences punishable under Sections 147, 148, 294(b) and 307 of IPC., in Crime No.13 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 01.02.2018, during the time of celebrating Thai Pongal Festival, due to previous enmity, the petitioners and other accused abused the defacto complainant by using filthy language, assaulted him by using deadly weapons and caused injuries. Hence, the present case has been registered for the above said crime.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and they are in judicial custody from 02.02.2018. He further submitted that this is a case and case in counter. Hence, he prays to enlarge the petitioners on bail.



4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured has been discharged from hospital and the investigation is going on. He further submitted that for the same occurrence, based on the complaint given by the petitioners herein, another case in Crime No.14 of 2018 was registered against the defacto complainant and other accused. He further added that it is a case and case in counter.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of celebrating the Pongal Festival, due to previous enmity, the petitioners and other accused in this case assaulted the defacto complainant by using Aruval and wooden log and caused injuries. As of now, the person, who sustained injuries during the time of occurrence was discharged from the hospital on 15.02.2018 after completing the treatment. Now, the petitioners are in judicial custody from 02.02.2018 onwards. Moreover, for the same occurrence, these petitioners lodged a complaint against the defacto complainant and others, in which another one case in Crime No.14 of 2018 was registered for the offences punishable under Sections 147, 148, 294 (b) and 307 of IPC. In the said case, the accused are already released on bail. So, considering the period of incarceration, further custodial interrogation may not be necessary for completing the investigation. Thereby, this Court is inclined to grant bail to the petitioners with certain conditions. 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.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District;
- (ii) the petitioners shall report before the Tirupur North Police Station, daily at 10.00 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 commit any offence while on bail;
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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 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].

WEB COPY

sd/-
12/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
 - 4 THE INSPECTOR OF POLICE
THOGUR WEST POLICE STATION,
THANJAVUR DISTRICT.
 - 5 THE INSPECTOR OF POLICE,
TIRUPUR NORTH POLICE STATION, TIRUPUR.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.S.MELTUE Advocate SR.No.54377

ORDER
IN
CRL OP(MD) No.3826 of 2018
Date :12/03/2018

MKV-MM-PN-SAR 2/12.3.2018/3P-8C