



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

Friday, the Nineteenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.839 of 2018

1 ESWARAN
2 MUTHUSAMY
3 KARUPPAIAH
4 MOKKASAMY

...PETITIONERS/ACCUSED NOS.5,6,11,16
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.535/2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.A.MITHUNCHAKRAVARTHI, Advocate
For Respondent : M/S.A.ROBINSON, Government Advocate (Crl. Side)

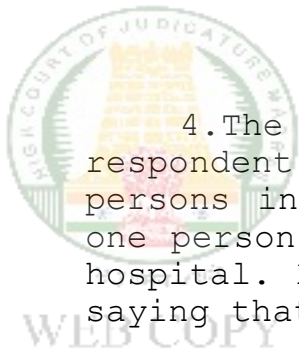
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A5, A6, A11 and A16, who were arrested on 05.12.2017 for the offences punishable under Sections 147, 148, 294 (b), 323, 324, 307 and 506(ii) I.P.C., in Crime No.535 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 05.12.2017, due to previous enmity, the petitioners assaulted the defacto complainant's father with deadly weapons and pelted stone on the defacto complainant and caused severe injury to them. Hence, the present case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners has submitted that due to wordy quarrel between the defacto complainant and the petitioners' family, the defacto complainant gave a false complaint against the petitioners' family. He further submitted that the petitioners were arrested on 06.12.2017 and remanded to judicial custody and from that day onwards, they are in judicial custody. He further submitted that already Accused Nos.2,3,12,13,21, 24 and 25 were released on bail by this Court in Crl.O.P(MD).No.637 of 2018, dated 12.01.2018. In the said occurrence, one person sustained injuries that too only simple injuries and he was already discharged from the hospital. Hence, he prays to grant bail to the petitioners.



4.The learned Government Advocate (Crl.side) appearing for the respondent police, submitted that already some of the accused persons in this case were released on bail by this Court and only one person sustained simple injuries and he was discharged from the hospital. However, he opposed to release the petitioners on bail by saying that investigation is not yet completed.

5.Considering the facts and circumstances of the case that the petitioners are in judicial custody from 06.12.2017 onwards and that in the said occurrence, only one person has sustained simple injuries and he was also discharged from the hospital and also considering the fact that some of the accused persons in this case were already released on bail by this Court in Crl.O.P(MD).No.637 of 2018, dated 12.01.2018, 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 No.II, Usilampatti;

(ii) the petitioners shall report before the Inspector of Police, Sivagangai Town 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 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].

sd/-
19/01/2018

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.

4. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION, MADURAI DISTRICT.

5. THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION.

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

+1. CC to M/S.A.MITHUNCHAKRAVARTHI Advocate SR.No.1001

ORDER

IN

CRL OP (MD) No.839 of 2018

Date :19/01/2018

MS/PM/SAR.4/19.01.2018/3P.8C