



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

Friday, the Sixteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20506 of 2018

1 SURESH
2 MURUGAYEE

... PETITIONERS / ACCUSED 2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VALANADU POLICE STATION,
TRICHY DISTRICT.
CRIME NO.89/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PITCHAI MUTHU Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 21.09.2018 for the offences punishable under Sections 294(b), 323, 324 and 506(i) IPC @ 302 IPC in Crime No.89 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant has two sons viz., Mani and Murugan. A1 and A2 are the grand-sons of the defacto complainant, A3 is the wife of A2, A4 is the daughter-in-law of the defacto complainant. There is a land dispute between the family. Due to which, on 20.09.2018, the accused persons went to the house of the defacto complainant and attacked the defacto complainant assuming that the land of Murugan, who is the father of the A1 and A2 has been mortgaged by the defacto complainant. So that, the defacto complainant sustained injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.



4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manaparai, Trichy District, and on further condition that:

[a] the first petitioner shall report before the respondent police daily at 10.30 am, until further orders and the second petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MANAPARAI, TRICHY DISTRICT.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
VALANADU POLICE STATION, TRICHY DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE OFFICER INCHARGE,
SPECIAL PRISON WOMEN, TRICHY.

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

+1. CC to M/S.M.PITCHAI MUTHU Advocate SR.No. 21657

ORDER

IN

CRL OP (MD) No.20506 of 2018

Date :16/11/2018

JM/MMS/SAR 2/16.11.2018/3P/8C