



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

Monday, the Nineteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20601 of 2018

1 GANESA PANDI
2 SHANMUGAVEL
3 JEGATHEESKUMAR

... PETITIONERS/ ACCUSED 1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
EMANESHWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.156/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.K.YASSER ARAFATH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

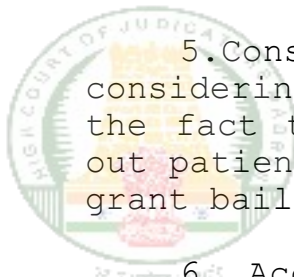
ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 07.11.2018 for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and Section 3 of TNPPDL Act in Crime No.156 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during consumption of alcohol in a TASMAL Shop, there was a quarrel arose between the petitioners and the defacto complainant. At that time, the petitioners abused the defacto complainant with filthy language and caused injury to him and also caused damages to his bike to the tune of Rs.5,000/-. 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 Government Advocate (Crl. side) would submit that the defacto complainant has been taken treatment as out patient and both were in drunken mood. The petitioners caused damages to the tune of Rs.5,000/-.



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 defacto complainant has been taken treatment as out patient and both were in drunken mood, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their 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, Paramakudi and on further condition that:

[a] the petitioners 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/-

19/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
EMANESHWARAM POLICE STATION, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.YASSER ARAFATH Advocate SR.No.21723

ORDER IN
CRL OP(MD) No.20601 of 2018
Date :19/11/2018