



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

Tuesday, the Twentieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20633 of 2018

1 RAJESH

2 PALANI

... PETITIONERS / ACCUSED NO.2 & 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO. 119 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK Advocate

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

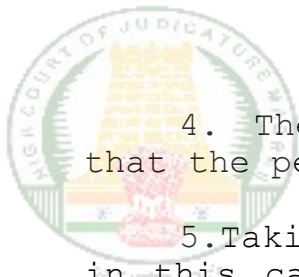
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.2 and 4, who were arrested and remanded into judicial custody by the respondent police on 08.11.2018, for the offences punishable under Sections 147, 148, 294(b), 324 & 506(ii) of IPC and Section 4 of TNPHW Act and Section 3 of TNPPDL Act in Cr.No.119 of 2018 seeks bail.

2.The case of the prosecution is that there was a dispute between the defacto complainant and the petitioners in bursting crackers on Deepavali Festival. At that time, the petitioners abused the defacto complainant with filthy languages and assaulted him with wooden log and damaged his two wheeler to the tune of Rs.3,000/-. Hence, the case has been registered.

3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. He would further submit that accused Nos.3, 5 to 13 were already granted anticipatory bail by this Court in Crl.O.P.(MD) No.20328 of 2018, dated 14.11.2018.



4. The learned Government Advocate (Crl. Side) would submit that the petitioners caused damages to the tune of Rs.3,000/-.

5. Taking into consideration of the fact that the injured person in this case has been discharged from the hospital and co-accused were already granted anticipatory bail by this Court, this Court inclined to grant bail to the petitioners with certain conditions.

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

[a] The petitioners shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of the crime number before the concerned Judicial Magistrate Court.

[b] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[f] 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/-

20/11/2018

/ 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.

3 THE INSPECTOR OF POLICE,
NAINARVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.



4 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No. 21820

ORDER
IN
CRL OP(MD) No.20633 of 2018
Date :20/11/2018

JM/VR MMS/SAR 1/22.11.2018/3P/7C