



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21270 of 2018

SHANMUGAM

... PETITIONER / 5th ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMNAD DISTRICT.
CRIME NO.139/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH 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 :-

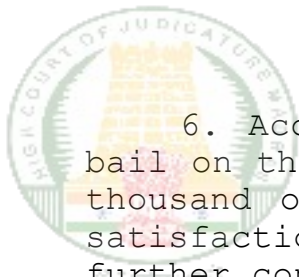
The petitioners were arrested and remanded to judicial custody since 16.11.2018 for offences punishable under Sections 147, 148, 294(b), 324, 336, 353, 337 and 307 IPC, in Crime No.139 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a communal clash between two groups. When the defacto complainant was on duty for keeping peace in the locality, during funeral procession, the petitioners forming an unlawful assembly. Since the defacto complainant was prevented from doing his duty, there seems to have been some dispute between the defacto complainant and the petitioners, the petitioners along with other accused said to have attacked the defacto complainant by knife stick and threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4. Heard the learned Additional Public Prosecutor.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, 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, Mudukulathur and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30.am., until further orders.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
30/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MUDUKULATHUR.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMNAD DISTRICT.

4 THE OFFICER INCHARGE,
SUB-JAIL, MUDUKULATHUR.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No. 22463

ORDER
IN
CRL OP(MD) No.21270 of 2018
Date :30/11/2018