



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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP (MD) No.4143 of 2019
IN
CRL A (MD) No.188 of 2019

1 PETCHI RAJ
2 PONNUTHAI

... PETITIONERS/ ACCUSED NO.2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.97/2016

... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioners on bail by suspending the sentence imposed by the Learned I Additional District Sessions Judge, Thoothukudi, Thoothukudi District in S.C.NO.172/2017 vide his Judgement dated 05/04/2019 pending the disposal of the main Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ANAND, Advocate for the petitioners and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

Kombu Raj (A1), his son Petchi Raj (A2) and wife Ponnuthai (A3) were tried in S.C.No.172 of 2017, by the learned Additional District Sessions Judge, Thoothukudi, and Petchi Raj (A2) and Ponnuthai (A3) were convicted and sentenced as follows:

Section of Law	Sentence of imprisonment	Fine amount
294 (b) I.P.C.	To undergo three (3) months rigorous imprisonment.	Rs.1,000/- in default to undergo rigorous imprisonment for three (3) months.



342 I.P.C.	To undergo one (1) year rigorous imprisonment.	Rs.1,000/- in default to undergo rigorous imprisonment for three (3) months.
506(II) I.P.C.	To undergo seven (7) years rigorous imprisonment.	Rs.1,000/- in default to undergo rigorous imprisonment for six (6) months.

2. Learned counsel for the petitioners submitted that the Trial Court has convicted Kombu Raj (A1) for the offence under Section 302 I.P.C., and sentenced him to undergo life imprisonment, but however, there is absolutely no material to show that Petchi Raj (A2) and Ponnuthai (A3) had criminally intimidated the de facto complainant for attracting the conviction under Section 506 (II) I.P.C. The learned counsel for the petitioners took this Court through the evidence of P.Ws.1 to P.W.6, whose evidence lacks the ingredients of offence under Section 506(II) I.P.C.

3. Taking into consideration these factors and the fact that the appeal is not likely to be taken up for hearing in the near future, this Court is of the considered view that this is a fit case to release the petitioners on bail.

4. Accordingly, the petitioners are ordered to be released on bail on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

[b] the petitioners shall appear before the trial court everyday at 10.30 a.m., for a period of four weeks and, thereafter, on the first working day of every month at 10.30 a.m., till the disposal of the appeal.

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

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

sd/-

30/04/2019

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



TO

1. THE I ADDITIONAL DISTRICT SESSIONS JUDGE,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

2. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

4. THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION, THOOTHUKUDI DISTRICT.

5. THE SUPERINTENDENT,CENTRAL PRISON, PALAYAMKOTTAI.

6. THE SUPERINTENDENT,CENTRAL PRISON FOR WOMEN,
MADURAI.

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

+1. C.C. to Mr.R.ANAND,Advocate SR.No.7990

ORDER

IN

CRL MP (MD) No.4143 of 2019

IN

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Date :30/04/2019

MS/PN/SAR-2/03.05.2019/3P.9C