



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1199 of 2019

1 SOORYA PRAKASH

2 MUNEESWARAN

... PETITIONERS / ACCUSED
NO.1 AND 2

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
Crime No.21/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.S.JEYAKARTHIK Advocate

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

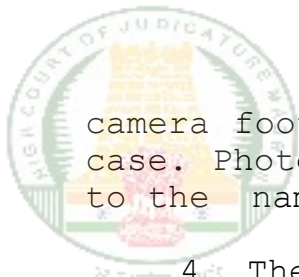
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 17.01.2019 for the offences punishable under Sections 294(b), 336, 506(ii) of IPC and Section 3 of TNPPDL Act in Crime No. 21 of 2019 on the file of the respondent police and seeks bail.

2. The case of the prosecution is that on 15.01.2019 the defacto complainant who is on duty in the respondent police at about 23.30 hrs heard some noise outside the police station, and saw two person standing in pulsar bike bearing Reg. No TN 55 Z 7624, damaging the board of the respondent police and when the same was questioned by the defacto complainant, the petitioners threatened him with dire consequences.

3.The learned counsel for the petitioner would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. He would also submit that petitioners are now seeking for employment. He would also submit that the while the petitioners are riding two wheeler and stopped the respondent police during vehicle check - up the petitioners failed to stop the vehicle and proceeded and on seeing the CCTV



camera footage the petitioners have been falsely implicated in this case. Photographs were produced, it is seen that there is no damage to the name board

4. The learned Government Advocate (Crl. Side) would submit that investigation is not yet completed.

5. Considering the above facts and circumstances and also the period of incarceration, 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) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No. II, Ramanathapuram and on further condition that:

[a] the petitioners shall appear before the respondent police as and when required for interrogation.

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

[c] the petitioners shall not abscond 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 229 A IPC.

sd/-
28/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO II,
RAMANATHAPURAM.

<https://hcservices.mca.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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

4. THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.1530

ORDER

IN

CRL OP(MD) No.1199 of 2019

Date :28/01/2019

TK/VR/SAR-4/28.01.2019/3P/7C