



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1837 of 2019

1 P.SIVATHANU

2 NADESAN

... PETITIONERS / ACCUSED
No.1 and 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
Crime No.15/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.ANAND 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, who were arrested and remanded to judicial custody since 10.01.2019 for the offence punishable under Section 294(b), 307, 323, 324 and 506(ii) IPC in Crime No.15 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that one Mathialagan, who is a practicing advocate on 09.01.2019 is said to have come to a petrol bunk for the purpose of filling petrol to his two wheelers. At that time, the petitioners employed in the petrol bunk are said to have, even after paying Rs.100/- (Rupees Hundred only), not fueled his vehicle. As a result, quarrel was arisen between them. Allegedly, the petitioners assaulted the defacto complainant with iron rod and wooden log. Thereby, he sustained injury. There is a case and case in counter.

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. Accordingly, they prayed for bail.



4. The learned Government Advocate (Crl.Side) would submit that the injured person has been discharged from the hospital.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyoor, Tirunelveli and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(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;

(e) 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/02/2019

/ TRUE COPY /

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

TO



2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.

4. THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.

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

+1. CC to Mr.R.ANAND Advocate SR.No.2409

ORDER
IN
CRL OP(MD) No.1837 of 2019
Date :05/02/2019

TK/PN/SAR-2/05.02.2019/3P/7C