



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1926 of 2019

1 SAKTHIVEL @ ARASU
2 SUJANTHKUMAR
3 GOBI
4 MUTHARASU
5 TAMILSELVAN @ AMBETH
6 RANJITHKUMAR
7 DAYANITHI

... PETITIONERS/ ACCUSED No. 1 to 7

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
AYAKUDI, DINDIGUL DISTRICT.
IN CRIME NO.13 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.T.INDRACHITHU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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 16.01.2019 for the offences punishable under Sections 147, 294 (b), 323, 307 and 506 (i) of IPC in Crime No.13 of 2019 on the file of the respondent police. They seek bail.

2.The case of the prosecution is that due to some wordy quarrel between the petitioners and the defacto complainant, both parties were fighting each other, for which, the wife of the defacto complainant injured and admitted in the hospital and subsequently discharged on 01.02.2019. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and for the past 21 days they are in judicial custody and the present allegation against the petitioners



is only an attempt. Accordingly, they prayed for bail. The learned counsel further contended that the petitioners are ready to abide by any of the conditions that is to be imposed by this Court.

4. The learned Government Advocate (Crl.Side) would submit that there is no previous case pending against the petitioners and the investigation is completed. Hence, in the event of the petitioners being enlarged on bail, stringent conditions may be imposed on them.

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) 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, Palani, Dindigul District, 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 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/-
06/02/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL

3 THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
AYAKUDI, DINDIGUL DISTRICT.

4 THE OFFICER IN-CHARGE, SUB JAIL,
PALANI, DINDIGUL DISTRICT.

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

+1. CC to MR.T.INDRACHITHU Advocate SR.No.2436

ORDER
IN
CRL OP(MD) No.1926 of 2019
Date :06/02/2019

MSI/PN/SAR-IV/06.02.2019-3P/7C