



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

Monday, the Eleventh day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2164 of 2019

1 JEYAKUMAR @ JEYARAJ

2 PAULRAJ

... PETITIONER / ACCUSED NO.1 & 2

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
MOOLAIKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.

CRIME NO.12/2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.ARAVIND RAJ Advocate

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

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

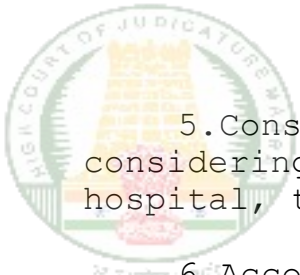
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody since 15.01.2019 for the offence punishable under Sections 147, 341, 294(b), 323, 307 @ 506(ii) of IPC, in Crime No.12 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives and due to the previous enmity, the petitioners assaulted the defacto complainant, thereby the defacto complainant sustained injury and admitted in the hospital. Hence, the complaint.

3.The learned for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Accordingly, he prayed for bail.

4.The learned Government Advocate (Crl. Side) would submit that the though the injured person in this case has been discharged from the hospital and the investigation is still pending.



5. Considering the facts and circumstances of the case and also considering the fact that the injured person discharged from the hospital, 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, Nanguneri 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/-

11/02/2019

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

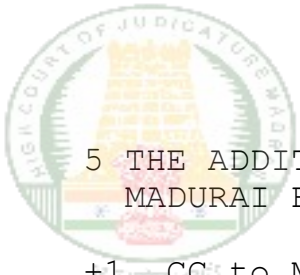
TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MOOLAIKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.



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

+1. CC to M/S.R.ARAVIND RAJ Advocate SR.No. 2795

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ORDER

IN

CRL OP(MD) No.2164 of 2019

Date :11/02/2019

JM/PN/SAR 3/11.02.2019/3P/7C