



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3141 of 2019

1 SIVA
2 PRABHAKARAN
3 THIRUPATHI

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.64/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.ANANDAKUMAR 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 :-

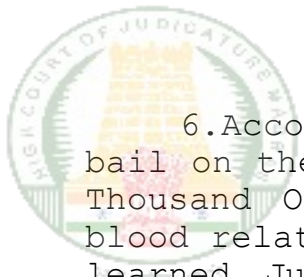
The petitioners, who were arrested and remanded to judicial custody since 17.02.2019 for the offence punishable under Sections 294(b), 324, 379 of IPC r/w 3 of TNPPDL Act, in Cr.No.64 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners after consuming alcohol went to the defacto complainant's hotel and vomited in the hotel. Since the same was questioned by the defacto complainant, the petitioners after two days again went to the defacto complainant's hotel and ransacked to the tune of Rs.1,25,000/-. Hence, the complaint.

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. However, on instructions, he submits that the petitioner is ready to deposit a sum of Rs.50,000/- to the credit of crime number and thereafter the same may be disbursed to the defacto complainant.

4.The learned Additional Public Prosecutor would submit that since the petitioners are ready to deposit a sum of Rs.50,000/-, this court may pass appropriate orders.

5.Considering the facts and circumstances of the case and considering 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) 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, Manapparai 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 deposit a sum of Rs.50,000/- (Rupees fifty Thousand only) to the credit of the crime number before the concerned Judicial Magistrate Court before execution of sureties and Judicial Magistrate shall disburse the same to the defacto complainant.

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

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

sd/-

28/02/2019

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

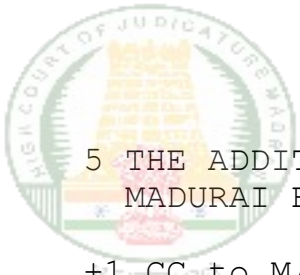
TO

1 THE JUDICIAL MAGISTRATE,
MANAPPARAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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

+1 CC to M/s.N.ANANDA KUMAR, Advocate SR-3967

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ORDER

IN

CRL OP (MD) No.3141 of 2019

Date :28/02/2019

JM/PN/SAR 4/28.02.2019/3P/7C