



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) Nos.3188, 3519 & 4071 of 2019

RAJAPANDI

... Petitioner/5th Accused
in CRL OP (MD). 3188/ 2019

1 DINESH KUMAR @ MADU DINESH

2 SANKAR

3 YOGESHKANNA

4 DHANASEKAR

... Petitioners/Accused (RANK NOT KNOWN)
in CRL OP (MD). 3519/ 2019

M.RAMAMUKILAN

... Petitioner/Accused No.8
in CRL OP (MD). 4071/ 2019

- Vs. -

STATE REP. BY
THE INSPECTOR OF POLICE,
KALLIKUDI TOWN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.273/2018

... Respondent/Complainant
in all the petitions

For Petitioner : MR.S.POORNACHANDRAN, Advocate
in CRL OP (MD). 3188 & 3519/ 2019

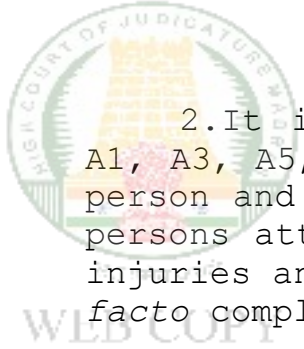
: MR.A.G.SENTHIL KUMAR, Advocate
in CRL OP (MD). 4071/ 2019

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)
in all the petitions

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 on 03.01.2019 for the offences under Sections 147, 148, 341, 324 and 307 of IPC, 1860 in Cr.No.273 of 2018, on the file of the respondent police, seek bail.



2.It is the case of the prosecution that the petitioners are A1, A3, A5, A6, A7 and A8. The *de facto* complainant is the injured person and he misbehaved with the wife of A1. Thereby, the accused persons attacked the *de facto* complainant due to which he sustained injuries and admitted in the Government hospital. Thereafter, the *de facto* complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they are innocent persons. He would further submit that there was a wordy quarrel in between them due to which the petitioners attacked the *de facto* complainant. Thereby, he sustained injuries and was admitted in the Government Hospital. Thereafter he was discharged from the Government Hospital and later he was admitted in the private hospital. He would further submit that the *de facto* complainant has not been discharged from the Private Hospital in order to keep the petitioners in prison. Hence, he would pray for bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the *de facto* complainant is out of danger. He would further submit that investigation is still pending.

5.Considering the nature of the case and considering the period of incarceration, I am inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on his 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, Thirumangalam and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the 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/-

27/03/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALLIKUDI TOWN POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.POORANACHANDRAN, Advocate SR-5616
+1. C.C. to M/S.A.G.SENTHIL KUMAR, Advocate SR.No. 5606

ORDER

IN

CRL OP (MD) Nos.3188, 3519 &
4071 of 2019

Date :27/03/2019

JM/VR/SAR 3/27.03.2019/3P/8C