



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

Tuesday, the Twenty Sixth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4472 of 2019

1 LAKSMANAN
2 PERIYAMMAL
3 KANNAN
4 CHITRA
5 SELVI

... PETITIONER / ACCUSED 1 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
CRIME NO.127/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SEEMARAJ 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 on 12.03.2019 for the offences under Sections 147, 148, 294 (b), 436 and 506(ii) of IPC and Section 3 of TNPPDL Act, 1992 in Cr.No.127 of 2019, on the file of the respondent police, seek bail.

2.It is the case of the prosecution that there was a group clash between the petitioners and *de facto* complainant for which the petitioners' group set fire on the *de facto* complainant's dwelling house due to which the *de facto* complainant's house was damaged. Thereafter, the Law Enforcing Agency registered a complaint against the two groups.

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. The *de facto* complainant filed a false complaint before the respondent police. Hence, he would pray for bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there is a group clash between two groups for which the petitioners' group set fire on the *de facto* complainant's dwelling house. He would further submit that investigation is 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) 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 No. II, Kulithalai 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 1 and 3 shall report before the respondent police daily at 10.30 a.m., until further orders and the petitioners 2, 4 and 5 shall report before the respondent police as and when required for interrogation;

(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/-

26/03/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO. II,
KULITHALAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
KULITHALAI POLICE STATION,
KARUR DISTRICT.



4 THE OFFICER INCHARGE,
SUB JAIL, KULITHALAI,
KARUR DISTRICT.

5 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMAN, TRICHY.

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

+1 CC to M/s.K.SEEMARAJ, Advocate (SR-5529[I] dated 26/03/2019)

ORDER

IN

CRL OP (MD) No.4472 of 2019

Date :26/03/2019

JM/VR/SAR 1/26.03.2019/3P/8C