



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

Thursday, the Fourth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4789 of 2019

1 ADAIKALAM @ SETHU ADAIKALAM
2 AMSTRONG
3 JHONSON

... PETITIONERS / ACCUSED NO.5, 6 & 11

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.21/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.SENTHIL KUMAR 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/A5, A6 and A11, who were arrested and remanded to judicial custody from 21.03.2019, for the offences punishable under Sections 147, 148, 341, 294(b), 326, 506(ii) and 307 IPC, in Crime No.21 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are relatives and belong to the same Village. Due to previous enmity existing between them, the petitioners attacked the de-facto complainant with deadly weapons on 18.03.2019, in which, the de-facto complainant sustained injuries and admitted in the Hospital. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. In fact, on earlier occasion, the learned Additional Public Prosecutor produced a medical report before this Court and on instructions, the learned counsel for the petitioners submitted that the petitioners were ready and willing to deposit a sum of Rs.40,000/- to the credit of crime number and thereafter, the said amount may be disbursed to the de-facto complainant, for which, the de-facto complainant refused

the same and hence, the petitioners may be directed to deposit the said amount to the credit of the crime number and accordingly, the learned counsel prayed for bail.

4.The learned Additional Public Prosecutor submitted that the de-facto complainant is still in the hospital and undergoing surgery and the amount may directed to be deposited in the crime number.

5.Considering the facts and circumstances of the case and considering the submission made by the learned counsel appearing for the petitioners, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on condition that each of them shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rameshwaram, and on further condition that:

(a)the petitioners shall deposit a sum of Rs.40,000/- to the credit of Crime No.21 of 2019 before the learned Judicial Magistrate, Rameshwaram;

(b)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;

(c)since the both the petitioners and the de-facto complainant are fishermen community and residing in the same Village, in order to avoid, commotion in between two groups, the petitioners shall stay at Kovilpatti and report before the Inspector of Police, East Police Station, Kovilpatti, 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/-

04/04/2019

/ TRUE COPY /

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

TO
<https://hcservices.ecourts.gov.in/hcservices/>
THE JUDICIAL MAGISTRATE,
RAMESHWARAM.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
EAST POLICE STATION, KOVILPATTI.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

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

+1 CC to M/s.R.SENTHIL KUMAR, Advocate SR-6198

ORDER

IN

CRL OP(MD) No.4789 of 2019

Date :04/04/2019

JM/MMS/SAR 2/04.04.2019/3P/8C