



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

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5604 of 2019

1 MUNIALINGAM
2 MUTHUMARI
3 PANDI
4 RAMAR
5 PASUMALINGAM
6 THANGAM
7 LINGAM
8 NATHAN
9 KARUPPASAMY PANDIAN
10 MUNIASAMY
11 MURUGAN S/O RAMACHANDRAN
12 VIZHIYANAN @ MURUGAN
13 SENTHOORPANDI
14 MURUGAN S/O MUNIASAMY
15 SHANMUGANATHAN
16 PASUMPONLINGAM
17 JOTHIRAMALINGAM
18 SARAVANAN
19 SATHIYANATHAN
20 RAMAR

... PETITIONERS / ACCUSED 1 to 20

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KOVILANGULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
Crime No.18/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.S.JEYAKARTHIK 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 27.03.2019 for the offences punishable under Sections 147, 148, 448, 427, 294(b), 323, 324, 307 and 506(ii) IPC and Section 3(1) of TNPPDL Act, in Crime No.18 of 2019, on the file of the respondent police, seek bail.



2. The case of the prosecution is that there was a dispute in between one Palaninathan and son of the defacto complainant, namely Shanmuganathan. Due to that motive, on 26.03.2019 at about 06.30 p.m., the brothers of the said Palaninathan came to the house of the defacto complainant with other accused persons, they abused and attacked the defacto complainant and his sons Muneeswaran and Muthu Ganapathy with weapons and damaged the tiles of his house and a two-wheeler bearing Registration No.TN 65 U 4201 and a tractor bearing Registration No.TN 57 W 5161. On hearing the sound of neighbors, the petitioners ran away and caused serious life threat to the defacto complainant and his family members. Hence, this complaint has been lodged.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. They are ready to deposit a sum of Rs.5,000/- as costs to the credit of Crime No.18 of 2019.

4.The learned Additional Public Prosecutor appearing for the state would submit that injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that injured has been 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 Judicial Magistrate, Kamuthi, and on further condition that:

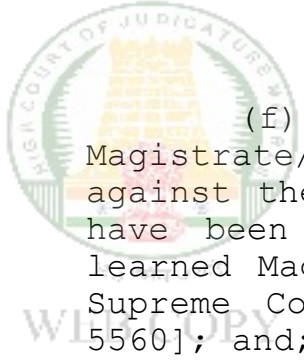
(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each to the credit of Crime No.18 of 2019 before the trial Court within a period of two weeks from the date of receipt of a copy of this order;

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

(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 petitioner 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/-
15/04/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, KAMUTHI.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3.THE INSPECTOR OF POLICE
KOVILANGULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4.THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.6745

ORDER
IN
CRL OP(MD) No.5604 of 2019
Date :15/04/2019

TK/PN/SAR-1/15.04.2019/3P/7C