



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6818 of 2019

1 MURUGAN
2 SUNDHARI

... PETITIONERS /2,3 ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.74/2019

... RESPONDENT / COMPLAINANT

S.SAPPANI

... PETITIONER/ INTERVENER

For Petitioners : Mr.T.SELVAN, Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

For Intervener : Mr.C.SARAVANA KUMAR, Advocate

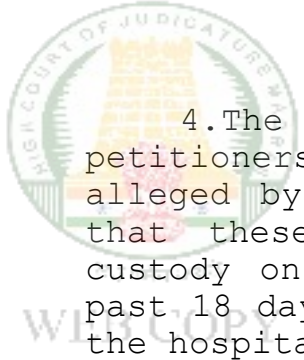
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who were arrested and remanded to judicial custody on 27.04.2019 for the offences punishable under Sections 147,148, 448, 294(b), 324, 307 & 506(ii) of IPC, in Crime No.74 of 2019 on the file of the respondent police, seek bail.

2.Heard Mr.T.Selvan, learned Counsel for the petitioners, Mr.C.Saravana Kumar, learned counsel for the intervener and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that due to misconception of fact that the petitioners' son's vehicle was taken away by the financiers only on the information given by the *de facto* complainant, the petitioners along with other accused persons trespassed into the *de facto* complainant's house and attacked the *de facto* complainant using a steel rod and caused injury over his forehead and also abused him using filthy language. Hence, the complaint.



4.The learned counsel for the petitioners submitted that the petitioners are innocent and have not committed any offences as alleged by the prosecution. The learned counsel further submitted that these petitioners were arrested and remanded to judicial custody on 27.04.2019. They are languishing in the jail for the past 18 days. According to him, the victim was also discharged from the hospital.

5.The learned Government Advocate (Crl. Side) vehemently opposes for the grant of bail as the investigation is yet to be completed. However, on instructions from the respondent Police, he would submit that the victim was discharged from the hospital.

6.Taking into consideration of the fact that the victim has already been discharged and a substantial portion of the investigation is over and also the fact that the petitioners have already suffered incarceration for more than 18 days, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7.Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

15/05/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE SUPERINTENDENT,CENTRAL JAIL, PALAYAMKOTTAI.
 4. THE OFFICER INCHARGE,SUB JAIL, KOKKIRAKULAM,
TIRUNELVELI.
 5. THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.T.SELVAN Advocate SR.No.8302

ORDER
IN
CRL OP(MD) No.6818 of 2019
Date :15/05/2019

MS/PN/SAR-2/15.05.2019/3P.8C