



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7258 of 2019

1 VIJAYAKUMAR
2 DINESH
3 NAVEEN

... PETITIONERS/ACCUSED Nos.2 to 4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION,
MADURAI DISTRICT
CRIME NO.404/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.MALAIYENDRAN, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

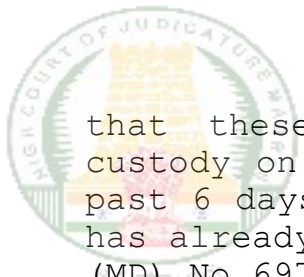
ORDER : The Court Made the following order :-

The petitioners / Accused Nos.2 to 4 who were arrested and remanded to judicial custody on 10.05.2019 for the offences punishable under Sections 448, 294(b), 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3 of TNPPDL Act in Crime No.404 of 2019 on the file of the respondent police, seek bail.

2.Heard Mr.M.Malaiyendran, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl. side) appearing for the State.

3.The case of the prosecution is that due to wordy quarrel between the petitioners and the de facto complainant, the petitioners attacked the de facto complainant and her daughter in front of the house and also abused the de facto complainant with filthy language and threatened with dire consequences. Hence, the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are innocents 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 10.05.2019 and they are languishing in the jail for the past 6 days. He further submitted that the co-accused in this case has already been granted anticipatory bail by this Court in Crl.O.P. (MD).No.6974 of 2019 dated 15.05.2019.

WEB COPY

5.The learned Government Advocate (Crl. side) on instructions from the respondent police would submit that there is no bad antecedent against the petitioners and also the substantial portion of the investigation has been completed. He further submitted that the petitioners, out of sudden outburst of anger, have committed this offence.

6.Taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioners have already suffered incarceration for more than 6 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 executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate (Additional Mahila Court), Madurai 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 daily at 10:30 a.m. until further orders;

[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/-

16/05/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE INSPECTOR OF POLICE
S.S. COLONY 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.V. MALAIYENDRAN Advocate SR.No.8610

ORDER

IN

CRL OP (MD) No.7258 of 2019

Date : 16/05/2019

TSG/DAS

PK/VR/SAR-2/17.05.2019 : 3P/7C