



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7268 of 2019

1. Rajivgandhi @ Surutai Raj
2. Prabakar @ Karuppu Praba
3. Maniarasan
4. Surya
5. Sakthivel

... Petitioners/Accused
Rank Not Known

Vs

State represented by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur,
Crime No.71/2019

... Respondent/Complainant

For Petitioners : M/s.K.Navaneetharaja,
Advocate.

For Respondent : V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

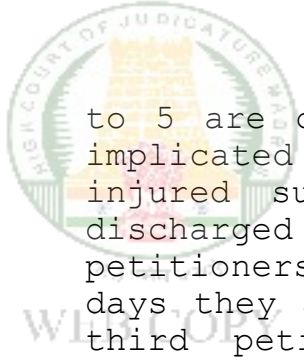
For Bail in Crime No.71/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the Accused-1 to 5 seeking bail for the alleged offence under Sections 147,148,441,294(b),324,506 (ii) and 307 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that he is withdrawing the petition insofar as the petitioners 1 and 2 are concerned. He further submitted that insofar as the petitioners 3



to 5 are concerned they are innocent and they have been falsely implicated in the above said case. He further submitted that the injured sustained only simple injury and he has already been discharged from the hospital. He further submitted that the petitioners 3 to 5 were arrested on 01.04.2019 and for the past 73 days they are in custody. He further submitted that as against the third petitioner four cases are pending and as against the petitioners 4 and 5 are concerned seven cases are pending and they are not grave in nature and in those cases they were already released on bail. He further submitted that by this time investigation might have been completed. Therefore he prayed to grant bail to the petitioners 3 to 5.

4. The learned Additional Public Prosecutor would submit that as against the third petitioner four cases are pending and as against the petitioners 4 and 5 are concerned seven cases are pending and if the petitioners are released on bail they will indulge in similar type of offences and hence he strongly opposed for granting bail to the petitioners 3 to 5. However he fairly conceded that the injured sustained only simple injuries and he has already been discharged from the hospital on 15.04.2019.

5. Taking into consideration that the petitioners are in custody for the past 73 days and the injury sustained only simple injury and he has already been discharged from the hospital and also considering the fact that the petitioners 3 to 5 were on bail in previous cases and also considering the fact that major part of the investigation might have been completed, this Court is inclined to grant bail to the petitioners 3 to 5 by imposing conditions:

[a] the petitioners 3 to 5 is 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur

[b] the petitioners 3 to 5 shall report before the respondent police, daily at 10.30 a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioners 3 to 5 shall not abscond either during investigation or trail.

[d] the petitioners 3 to 5 shall not tamper with evidence or witness either during investigation or trail.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 3 to 5 in accordance with law as if the conditions have been imposed and the petitioners 3 to 5 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. As regards the petitioners 1 and 2, this petition is dismissed as withdrawn

sd/-
12/06/2019

/ TRUE COPY /

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

TO

- 1.The Judicial Magistrate No.I,
Thanjavur
- 2.Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
- 3.The Inspector of Police,
Thanjavur South Police Station,
Thanjavur.
- 4.The Superintendent, Central Prison,
Trichy.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-9512[I] dated
12/06/2019)

ORDER
IN
CRL OP(MD) No.7268 of 2019
Date : 12/06/2019

aav
TK/VR/SAR-2/12.06.2019/3P/7C