



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

Monday, the Tenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7881 of 2019

1 RAJESH

2 MUKESH

... PETITIONERS / ACCUSED NO.2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.125/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNKARAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.2 & 3 seeking bail for the alleged offence punishable under 294 (b), 341, 323, 324, 506 (ii) of IPC @ 294 (b), 341, 323, 506 (II) & 307 IPC, in Crime No.125 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are falsely implicated in this case and as per the FIR, the petitioners herein have assaulted the injured only with hands. He further submitted that all the three accused were arrested and remanded to judicial custody and so far as the petitioners herein are concerned they are in custody from 28.04.2019. He further submitted that already injured person was discharged from the hospital and therefore he prayed to grant of bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the totally three accused involved in this case. All of them have attacked the victim and caused serious injuries. He further submitted that all the three



accused were arrested and remanded to judicial custody and the investigation is still pending and he opposed this petition. However, he fairly conceded that already injured discharged from the hospital.

5. Taking into consideration of the aforesaid facts and also the fact that already injured discharged from the hospital and the petitioners are in custody for the past 44 days, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, No. II, Kumbakonam Thanjavur District.

[b] the petitioners shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

sd/-

10/06/2019

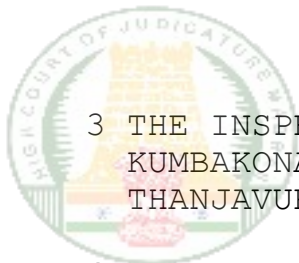
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO. II,
KUMBAKONAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. CC to M/S.K.M.KARUNKARAN Advocate SR.No. 9324

ORDER

IN

CRL OP (MD) No.7881 of 2019

Date :10/06/2019

JM/VR/SAR 2/10.06.2019/3P/7C