



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 26/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8450 of 2019

1 Kumar

2 Vignesh

... Petitioners/Accused Nos.2 & 3

Vs

State Rep.by

The Inspector of Police,
K.Paramathi Police Station,
Karur District.

Crime No.106/2019.

... Respondent/Complainant

Jeganathan

... Petitioner/ Intervener/
Defacto Complainant

For Petitioners : M/s.P.Maheshkumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

For Intervener : Mr.M.Bindran, Advocate

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

PRAYER :-

For Bail in crime no.106/2019 on the file of the respondent police.

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 147, 148, 294 (b), 324, 448 and 307 of IPC, in Crime No.106 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, on 31.05.2019 at about 05.00 p.m, A1 had dug up the mud in the pathway by using JCB and the same was questioned by the defacto complainant and at that time, A2 & A3, who are the workers of A1, attacked the defacto complainant with aruval and criminally intimidated him. He further submitted that the



petitioner was arrested and remanded to judicial custody on 01.06.2019. 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 it is a case in counter. Totally seven accused were involved in this case. A2 & A3 attacked the defacto complainant and criminally intimidated him. The investigation is still pending and hence, he opposed this petition. However, he fairly conceded that already injured was discharged from the hospital.

5. The learned counsel for the Intervenor appearing for the defacto complainant has submitted that the defacto complainant sustained grievous injury and he was admitted in the G.C Hospital, Karur and for further treatment he has been admitted in the Ganga Hospital, Coimbatore. Further he submitted that the petitioners' native is the State of Jarkhand and they are working under A1 in the 'Blue Metal Company'. If they are released on bail, they may be absconded. Hence, he strongly opposed to grant bail to the petitioners.

6. 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 26 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.I, Karur 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/-
26/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KARUR DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE,
K.PARAMATHI POLICE STATION, KARUR DISTRICT.

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

+1. CC to M/S.P.MAHESHKUMAR Advocate SR.No.10539

ORDER
IN
CRL OP (MD) No.8450 of 2019
Date :26/06/2019

MS/VR/SAR-3/26.06.2019/3P.7C