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

Friday, the Twenty First day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8729 of 2019

1 TEMBOSS @ TENBOSE
2 MYCHEL @ MYCHEL ROYAPPAN
3 SURESH
4 MARY GEORGE @ GEORGE ... PETITIONERS / ACCUSED NO.3,4,7 & 10

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.21/2019) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.KARTHIK 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 :-

This petition has been filed by the petitioners/Accused No.3, 4, 7 and 10 seeking bail for the alleged offence punishable under Sections 147, 148, 341, 294(b), 326, 506(ii) and 307 of IPC in Crime No.21 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted due to previous enmity a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 29.04.2019 in crime No.31 of 2019. Subsequently, PT warrant issued by the Judicial Magistrate, Rameswaram. Thereafter, the petitioners were arrested on 11.06.2019. He further submitted that this Court already granted bail to the petitioners in Crl.O.P.(MD).No.8118 of 2019. He further submitted that the injured sustained only simple injuries and he was discharged from the hospital. Hence, he prayed to grant of bail to the petitioners.

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4.The learned Additional Public Prosecutor appearing for the respondent has submitted that due to previous enmity the petitioners along with others unlawfully assembled together and waylaid the defacto complainant and attacked him deadly weapons. Hence, he objected to grant bail to the petitioners. However he fairly conceded that the injured person sustained only simple injuries and he was already discharged from the hospital.

5.Taking into consideration the fact that the injured person has sustained only simple injuries and also discharged from the hospital and also considering the fact that this Court already granted bail to the petitioners in the connected case, this Court is inclined to grant bail to the petitioners with certain 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, Rameswaram;

[b]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;

[c]the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for the interrogation;

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

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

[f]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].

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

sd/-
21/06/2019

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

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TO

1 THE JUDICIAL MAGISTRATE,
RAMESWARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No. 10227

ORDER
IN
CRL OP(MD) No.8729 of 2019
Date :21/06/2019

JM/VR/SAR 4/21.06.2019/3P/7C

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