



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

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22487 of 2018

1 P.SARAVANA KUAMAR
2 S.YOGA RAJ

... PETITIONER/ ACCUSED NO.1
... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PETTAVAITHALAI POLICE STATION,
TRICHY DISTRICT.
CRIME NO.91 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.K.PRAVEEN KUMAR, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 03.12.2018 for the offences punishable under Sections 147, 294(b), 324 and 506(ii) of IPC in Crime No.91 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to wordy quarrel the petitioners assaulted the defacto complainant with knife.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and also the fact that the injured had been discharged from the hospital. this Court is inclined to grant bail to the petitioners.

6. Accordingly, 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.III, Trichy, and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[d] 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]**.

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

sd/-

07/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, DISTRICT PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
PETTAVAITHALAI POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.PRAVEEN KUMAR Advocate SR.No.268

ORDER

IN

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Date :07/01/2019