



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10195 of 2019

1. Vairamuthu
2. Siranjivi
3. Alagesan

... Petitioners/Accused Rank 1 to 3

Vs

State Rep by
The Inspector of Police,
Thenkarai Police Station,
Theni District
(Cr.No.246/2018)

... Respondent/Complainant

For Petitioners: M/s.B.Jameel Arasu,
Advocate.

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

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

PRAYER :-

For bail in Cr.No.246/2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ accused seeking bail for the alleged offence under Sections 294(b), 341,323,324,307, 506(ii) of IPC and Section 4 of TNPHW Act

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that the petitioners herein were arrested and remanded to judicial custody on 18.06.2019 and they are in custody for the past 30 days. He further submitted that injured person was also discharged from the hospital. He further submitted that the second and third petitioners are college going students and they have also been falsely implicated in the above case. Therefore he prayed to grant bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that on 11.06.2019 when the defacto complainant and her husband were at their shop, the petitioners herein abused the defacto complainant in filthy language and assaulted the the defacto complainant with iron rod and threatened him with dire consequences. Hence he objected to grant bail to the petitioners. However he fairly conceded that the injured was discharged from the hospital.

5. Taking into consideration the allegations made against the petitioners and also the fact that the petitioners are in custody for the past 30 days and the fact that the injured was discharged from the hospital, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Periyakulam, Theni.

[b] the petitioners shall stay at Karur and report before the Karur Town Police Station, daily at 10.30 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/-

18/07/2019

/ TRUE COPY /

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

TO



2. Do-Through The Chief Judicial Magistrate,
Theni District.

3. The Superintendent, Central Prison, Madurai.

4. The Inspector of Police,
Thenkarai Police Station,
Theni District.

5. The Inspector of Police,
Karur Town Police Station,
Karur.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2. CC to M/S.J.VISHNU, Advocate SR.No.11892

ORDER

IN

CRL OP(MD) No.10195 of 2019

Date :18/07/2019

MS/VR/SAR-3/18.07.2019/3P.9C