

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10945 of 2019

1.Thirukkumaran	... Petitioner/Accused No.5
2.Singupandi	... Petitioner/Accused No.7
3.Thalaiyari Thambi @ Malaiyarasan	... Petitioner/Accused No.11
4.Thangasamy	... Petitioner/Accused No.10
5.Anbarasu	... Petitioner/Accused No.12
6.Sanjeevi	... Petitioner/Accused No.14
7.Selvaraj	... Petitioner/Accused No.15
8.Dharmalingam	... Petitioner/Accused No.16

Vs

State through
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Crime No.163/2019 ... Respondent/Complainant

For Petitioners : M/s.Dr.K.Malathi,
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.163/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused Nos.5,7,11,10,12,14,15 and 16 seeking bail for the alleged offence under Sections 147, 148, 341, 294(b),323,324,506(i),307,302 of IPC and Section 3(1) of TNPPDL Act, 1992

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in the above case. He further submitted that the petitioners were arrested and remanded to judicial custody on 17.06.2019 and 22.06.2019 and from that date onwards they are in custody. Therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that during temple festival the petitioners unlawfully assembled together and assaulted several persons and caused injuries to them, due to which one person was succumbed to injuries. Hence he strongly opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners are in custody for the past 52 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 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, Melur.

[b] the petitioners shall stay at Hosur, Krishnagiri District and report before the Hosur Town Police Station daily at 10.30 a.m until further orders

[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/-
09/08/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
MELUR.

2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
KEELAVALLAVU POLICE STATION,
MADURAI DISTRICT.

4.THE INSEPCTOR OF POLICE,
HOSUR TOWN POLICE STATION, HOSUR,
KRISHNAGIRI DISTRICT.

5.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.DR.K.MALATHI Advocate SR.No.13337

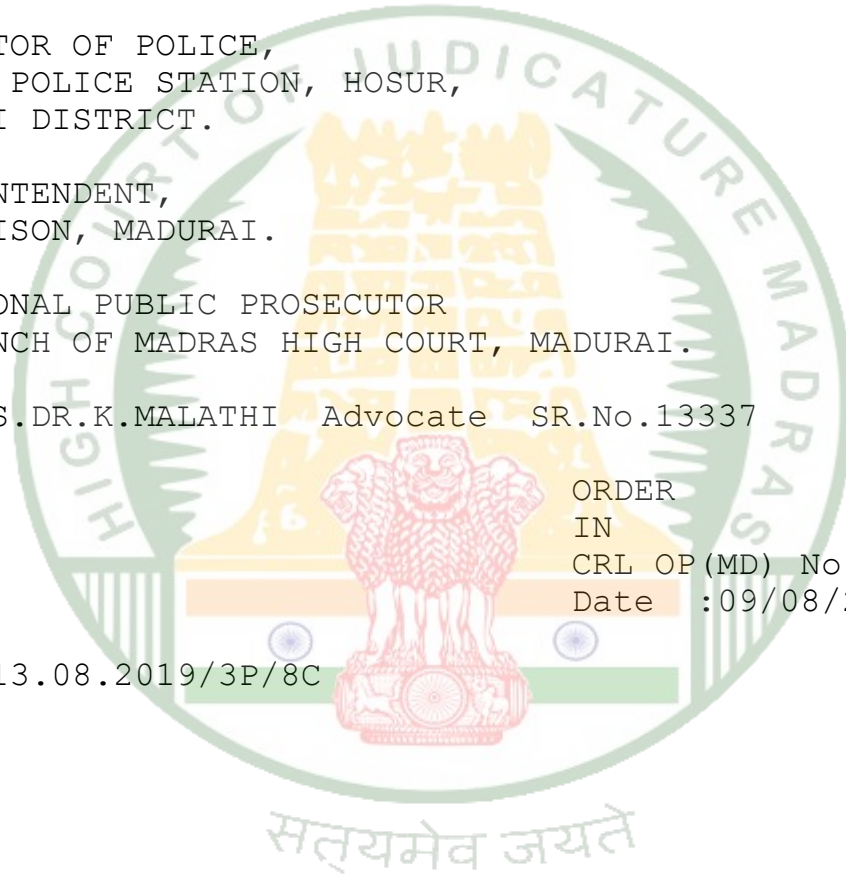
ORDER
IN

CRL OP(MD) No.10945 of 2019

Date :09/08/2019

aav

TK/PN/SAR.4/13.08.2019/3P/8C



WEB COPY