



WEB COPY

CRL OP(MD). No.11053 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11053 of 2019

1. Rajendran
2. Prabhakaran

... Petitioners/Accused 6 & 7

Vs

State Rep.by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Crime No.143/2019.

... Respondent/Complainant

For Petitioners: M/s.C.Hitesh Kumar,
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.143/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused Nos- 6 and 7 seeking bail for the alleged offence under Sections 147, 148, 294 (b), 323, 324, 336, 307 and 506 (2) of IPC.

2. Heard both sides

3. The learned counsel for the petitioners would submit that as per the FIR, A1 suspected the defacto complainant, who has informed the sand theft to the concerned officials. Duo to which, the



petitioners and other accused persons attacked the defacto complainant and criminally intimidated him. He further submitted that the petitioners were arrested and remanded to judicial custody on 21.07.2019 and from that date onwards they are in custody. He further submitted that the injured was already discharged from the hospital and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that when A1 illegally transported river sand in his two wheeler, concerned officials caught him and recovered the property. A1 suspected the defacto complainant, who has informed about the sand theft to the concerned officials. Due to which, A1 along with other accused persons went to the defacto complainant's house and assaulted the defacto complainant and criminally intimidated him. Hence he strongly opposed to grant bail to the petitioners. However, he fairly conceded that the injured was already discharged from the hospital.

5.As per the FIR, the allegation against the petitioners is that they instigated other accused persons to attacked the defacto complainant and in pursuance of the words of said A1, the petitioners assaulted the defacto complainant with stone and caused simple injuries.

6.Taking into consideration of the aforesaid fact that the petitioners are in custody from 21.07.2019 and also the fact that already the injured was discharged from the hospital and no previous case is pending against the petitioners, 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.I, Kumbakonam.



[b] the petitioners shall report before the respondent police, 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/-
06/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
PANDHANALLUR POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.HITESH KUMAR Advocate SR.No.12970

ORDER
IN
CRL OP(MD) No.11053 of 2019
Date :06/08/2019

MS/VR/SAR-1/06.08.2019/3P.7C

<https://hcservices.ecourts.gov.in/hcservices/>