



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11407 of 2019

1.Ramadass
2.Govindaraj
3.Vaiyapurai
4.Velmurugan
5.Shanmugam
6.Vijayaragavan
7.Kumarsamy

... Petitioners/Accused
No.1 to 7

Vs

1.State rep by
The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai, Dindigul District
Crime No.345 of 2019.

... 1st Respondent/Complainant

2.A.Devendran

... 2nd Respondent/Defacto
Complainant

For Petitioner : M/s.M.Eswaran, Advocate.

For Respondent 1 : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

For Respondent 2 : M/s.D.Balamurugapandi, Advocate

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

PRAYER :-

For Bail in Crime No. 345 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused No.1 to 7 seeking bail for the alleged offence under Sections 147, 148, 341, 294(b), 323, 307 and 506(ii) of IPC in Crime No.345 of 2019.



2.The learned counsel appearing for the petitioners has submitted that since the defacto complainant is a practising advocate attached with Vedachandur Bar Association, Dindigul District, the advocates from the Dindigul Bar association have not come forward to file bail application before the Sessions Court and hence, he requested this Court to take up this petition directly before this Court. Accordingly, this petition has been entertained. The learned counsel for the petitioners had added the defacto complainant as second respondent and hence, notice has been sent to R1. After receipt of the said notice, R2 entered appearance through counsel. After hearing both sides, order is being passed by this Court.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, the defacto complainant has stated that he was attacked by more than 18 persons with sticks and wooden logs but, he has stated that he sustained only internal injuries and he has not stated that he sustained any external injuries. He further submitted that the defacto complainant not at all took any treatment for the alleged assault and that itself would show that the complaint is a false one. He further submitted that due to previous enmity, the defacto complainant has lodged a false complaint against the petitioners. He further submitted that that the petitioners were arrested and remanded to judicial custody on 05.08.2019 and from that date onwards they are in custody and therefore, he prayed to grant bail to the petitioners.

4.The learned counsel appearing for the second respondent/defacto complainant has submitted that the accused with a view to prevent the defacto complainant from appearing on behalf of one Vijaya before the Court, have indiscriminately assaulted the defacto complainant with sticks and wooden logs on 05.08.2019, and caused internal injuries and therefore, he opposed this petition. However, he fairly conceded that the second respondent did not go to hospital for taking any treatment.

5.The learned Government Advocate(Crl.side) appearing for the first respondent police has adopted the arguments advanced by the learned counsel for the second respondent/ defacto complainant. However, she fairly conceded that the defacto complainant did not go to hospital for taking any treatment.

6.Taking into consideration of the fact that even though it is stated in the FIR that more than 18 persons have attacked the defacto complainant with sticks and wooden logs, he has not sustained any external injuries and also the fact that the defacto complainant did not go to hospital for taking any treatment and also the fact that the petitioners are in custody from 05.08.2019, this Court is inclined to grant bail to the petitioners by imposing 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, Veda sandur.

[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/-
16/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, VEDASABDUR.
- 2.THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
VADAMADURAI, DINDIGUL DISTRICT.
- 4.THE OFFICER INCHARGE, SUB JAIL, VEDASANDUR.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.ESWARAN Advocate SR.No.13557

ORDER
IN
CRL OP(MD) No.11407 of 2019
Date :16/08/2019

vsg
TK/VR/SAR.3/16.08.2019/3P/7C