



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20/08/2019

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PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.11548 of 2019

1. Sundarrajan
2. Ramki
3. Alibaba
4. Selvam
5. Sathiyaraj

... Petitioners/Accused Nos.1,2,3,5 & 6

Vs

State Rep.by  
The Inspector of Police,  
Swamimalai Police Station,  
Tanjavore District.  
(Crime No.173 of 2019)

... Respondent/Complainant

For Petitioners : M/s.S.Vanchinathan,  
Advocate.

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

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

**PRAYER :-**

For Bail in Crime No.173 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-1,2,3,5 and 6 seeking bail for the alleged offence under Sections 147,148,294(b),324,109,307 of IPC and Section 4 of TNPHW Act.

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence and a false case has been foisted against the petitioners. He further submitted that the



petitioners were arrested and remanded to judicial custody on 24.07.2019 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 the daughter of the defacto complainant loved one Vijay and thereby the husband of the defacto complainant warned the act of the said Vijay and in turn, the said Vijay committed suicide by falling before the running train and after that the family of the defacto complainant left the village for 15 days and thereafter they came to the native place and after their return the petitioners came to the house of the defacto complainant and invited the defacto complainant for mediation with regard to the suicide committed by the said Vijay, for which, the defacto complainant replied that her husband was not available in the house and having aggrieved over the same, the petitioners assaulted the defacto complainant and her daughter and sister-in-law and caused injuries to them. Hence he strongly opposed to grant bail to the petitioners. However he fairly conceded that the injured was already discharged from the hospital.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody for the past 26 days and also the fact 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) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, 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].



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

sd/-  
20/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.
  2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
  3. THE SUPERINTENDENT,CENTRAL PRISON,  
TRICHY.
  4. THE INSPECTOR OF POLICE,  
SWAMIMALAI POLICE STATION, TANJAVORE DISTRICT.
  5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.VANCHINATHAN Advocate SR.No.13752

ORDER  
IN  
CRL OP(MD) No.11548 of 2019  
Date :20/08/2019

**MS/VR/SAR-1/20.08.2019/3P.7C**