



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/02/2020
PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.2511 of 2020

1. Muneeswaran
2. Sundar ... Petitioners/ Accused No.6 to 7
3. Muthaiah
4. Kalimuthu
5. Kumar ... Petitioners/Accused No.9 to 11

Vs

State rep.by
The Inspector of Police,
South Gate Police Station,
Madurai City.
Crime No.6/2020. ... Respondent/Complainant

Seshadri Varadhan .. Petitioner/ Intervene Petitioner/
Defacto Complainant

For Petitioners : M/s.K.S.Durai Pandian,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervenor : Mr.G.Mariappan, Advocate

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

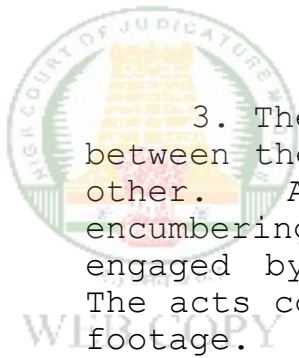
PRAYER :-

for bail in Crime No.6 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, learned counsel appearing for the intervenor and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are in custody since 04.01.2020 for the offences punishable under sections 109, 147, 148, 294(b), 323, 452, 506(ii) of I.P.C., and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.6 of 2020 on the file of the respondent police. They seek bail.



3. The case of the prosecution is that there is a civil dispute between the defacto complainant on the one hand and A1 to A3 on the other. A4-Arumuga Nainar is said to be aiding A1 to A3 in encumbering on the property. The petitioners herein have been engaged by A4-Arumuga Nainar for committing the offending acts. The acts committed by the petitioners have been captured in the CCTV footage.

4. The petitioner's counsel would point out that the petitioners are in custody for more than 45 days. They are not having any previous case and they are not that serious in nature. They appear to have involved in some petty offences.

5. The petitioner's counsel, on instructions, gives an undertaking that the petitioners will totally keep off from the scene of occurrence and they will not in any way interfere in the dispute on hand.

6. This Court makes it clear that if there is a slightest breach of the undertaking now given before this Court, this Court will not hesitate to cancel the bail granted to the petitioners and commit them to custody.

7. Recording the petitioner's undertaking, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall execute 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.4, Madurai.

(ii) the petitioners are directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
18/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.4, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.S.DURAIPANDIAN, Advocate (SR-3380[I] dated
18/02/2020)

ORDER
IN
CRL OP(MD) No.2511 of 2020
Date :18/02/2020

MS/PN/SAR-4/18.02.2020/3P.7C