



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6540 of 2020

1. Thangadurai
2. Sornadurai
3. Valathi

... Petitioners/Accused No.2,
(2nd and 3rd Petitioner's rank not known)

Vs

State through the
Sub-Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.132 of 2020).

... Respondent/Complainant

For Petitioners : M/s.M.Maran, Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.132 of 2020 on the file of the Respondent Police

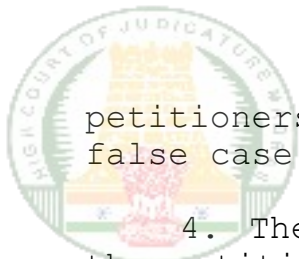
ORDER : The Court made the following order :-

The petitioners herein were arrested on 13.05.2020 for the alleged offences under Sections 147,148,451,436 and 380(NH) of IPC.

2. The case of the prosecution is that the defacto complainant's son is said to have murdered the relative of the petitioner and in retaliation on 08.05.2020 the petitioners along with other accused persons went to the house of the defacto complainant damaged the house hold articles of the defacto complainant and also stolen three sovereigns of gold jewels.

3. The learned counsel for the petitioners would submit that even as per the First Information Report the names of the

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



petitioners are not found place and due to some previous enmity a false case has been foisted against the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons went to the house of the defacto complainant damaged the house hold articles of the defacto complainant and also stolen three sovereigns of gold jewels. He would also submit that some of the accused persons are still absconding.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioners have only caused damage to the household articles and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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].

vi) If the petitioners/ accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/07/2020

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.III, TIRUNELVELI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
4. THE SUB-INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6540 of 2020
Date :13/07/2020

AAV
TE/VR/SAR-II : 14/07/2020 : 3P/6C