



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/07/2020
PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7594 of 2020

1. Palanisamy
2. Adaikkalam

... Petitioners/Accused No.3 & 5

Vs

The State rep.by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.Cr No.328/2020. ... Respondent/Complainant

For Petitioners : M/s.Rms.Sethuraman, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.328 of 2020 on the file of the respondent police.

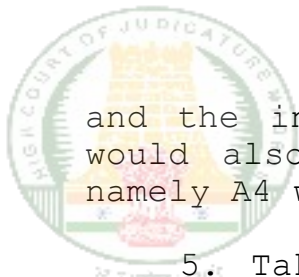
ORDER : The Court made the following order :-

The petitioners/A3 and A5 herein were arrested on 28.06.2020 for the alleged offences under Sections 147,148,294(b),323,324, 307 of IPC and Section 4 of TNPHW Act.

2. There are totally five accused in this case. The petitioners herein are arrayed as A3 and A5. The case of the prosecution is that due to civil dispute between the parties on the date of occurrence the petitioners are said to have attacked the defacto complainant and caused injuries.

3. The learned counsel for the petitioners would submit that it is case and counter case. He would also submit that similarly place co-accused namely A4 in this case was granted bail and the injured was also discharged from the hospital. He would also submit that the petitioners are in jail for nearly 25 days and hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that due to civil dispute between the parties the petitioners are said to have attacked the defacto complainant and caused injuries. It is a case and counter case. A1 and A2 in this case are still absconding



and the injured person was also discharged from the hospital. He would also submit that similarly placed co-accused in this case namely A4 was released on bail.

5. Taking into consideration the fact that the it is only a civil dispute between the parties and case and counter case and also the fact that the injured was also discharged from the hospital and similarly placed co-accused in this case namely A4 was released on bail 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, Illuppur, Pudukottai District.

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 as and when required for interrogation.

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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/07/2020

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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

<https://hcservices.courts.gov.in/hcservices/> litigant concerned.



To

1 THE JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKKOTTAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION, PUDUKKOTTAI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7594 of 2020

Date :23/07/2020

SDS/PN/SAR-3/23.07.2020/3P/6C