



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8215 of 2020

1. VINAYGAM
2. MANIKANDAN @ AYYAPPAN
3. ARUNACHALAM
4. ARJUN

... PETITIONERS/ACCUSED NO.1,
PETITIONERS NO.2-4 ACCUSED RANK NOT KNOWN

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO. 386 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.V. Kathirvelu
Senior Counsel
for M/s.K.Prabhu,
Advocate.

For Intervenor :Mr.M.Maharajan, Advocate

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

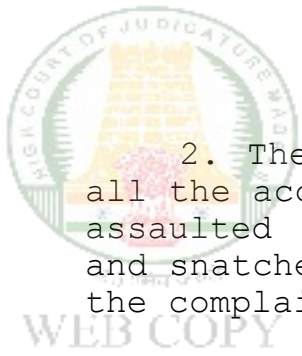
PRAYER :-

For Bail in Cr.No.386 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1,3 to 5 herein were arrested on 06.06.2020 for the alleged offences under Sections 147,148,448,323,324,379(NH)

<https://hosevices506ts.gov.in/hosevices506ts.gov.in> SPC.



2. The case of the prosecution is that due to previous enmity all the accused persons went to the house of the defacto complainant assaulted the defacto complainant and his son and caused injuries and snatched a gold chain from the defacto complainants's son. Hence the complaint.

3. The learned Senior Counsel appearing for the petitioners would submit that it is a case and counter case. He would also submit that the petitioners are innocent and they have been falsely implicated in the above case. He would also submit that the matter has been settled between the parties.

4. The learned counsel for the intervenor would submit that it is a case and counter case. Due to some wordy quarrel the occurrence has taken place and now the matter has been settled between the parties.

5. The learned Government Advocate(Crl.Side) would submit that the occurrence would have taken place due to wordy quarrel and the matter is now compromised between the parties and no law and order problem prevailing in that area.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the incident would have happened due to wordy quarrel and also the fact that the matter has been settled between the parties and no tension is prevailing in that locality, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram

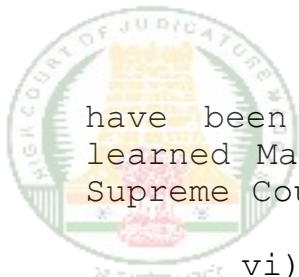
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

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/-
06/08/2020

/ 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,
AMBASAMUDRAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, SRIVAIKUNDAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8215 of 2020
Date :06/08/2020

AAV
JM/AKM/SAR 3/06.08.2020/3P/6C