



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

Date : 17/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8270 of 2020

1. Sathappan
2. Kasiraja
3. Saravanan
4. Annadurai
5. Periyannan
6. Raveendran
7. Raja
8. Sathan
9. Udaiyappan
10. Sekar
11. Anand

... Petitioners/Accused Nos.1 to 10 & 12

Vs

State Represented by
The Inspector of Police,
K.Pudupatti Police Station,
Pudukkottai District.
(Crime No.238 of 2020).

... Respondent/Complainant

For Petitioners : M/s.A.Thiruvadi Kumar,
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.238 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners herein were arrested on 21.07.2020 for the alleged offence under Sections 147,148,269,294(b),332,307 of IPC r/w.51(b) of Disaster Management Act.



2. The petitioners herein are arrayed as A1 to A10 and A12. The case of the prosecution is that there was a clash between two group of villagers and the defacto complainant who is the Sub Inspector of Police went to the scene of occurrence to maintain law and order problem in the area, at that time the petitioners herein said to have pelted stones on the defacto complainant and also attacked the police persons with wooden log and caused injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that the it is a group clash between two groups in respect of posting fake messages in the face book, and during the clash some of the police were mistakenly said to have sustained injuries and they have also given complaint. Like wise other group of people has also given complaint against the petitioners, in which some of them were granted bail. He would also submit that the injured was also discharged from the hospital. Hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that group of people were fighting with each other with deadly weapons, in which six persons sustained injuries on the side of the defacto complainant and two persons on the side of the petitioners sustained injuries. He would also submit that some of the accused are still absconding and tension is prevailing in that area.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that injured was already discharged from the hospital and some of the accused persons were granted anticipatory bail by this Court in other case, this Court is inclined to grant bail to the petitioners subject to the following conditions:

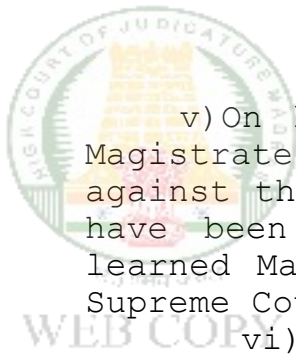
6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumayam

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 stay at Karaikudi and report before the karaikudi Town Police Station 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/08/2020

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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 the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT
3. THE INSPECTOR OF POLICE,
K.PUDUPATTI POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE INSPECTOR OF POLICE,
KARAIKUDI TOWN POLICE STATION, KARAIKUDI.

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-5978[I] dated 17/08/2020)

ORDER

IN

CRL OP(MD) No.8270 of 2020

Date :17/08/2020

AAV