



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9042 of 2020

1. Senthil Kumar
2. Satheeswaran

... Petitioners/Accused No.1 and 11

Vs

State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
in Crime No.1571 of 2020

... Respondent/Complainant

For Petitioners : M/s.R.Karunanidhi,
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.1571 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A11 herein were arrested on 13.08.2020 for the alleged offences under Sections 147,148,307,324,506(ii) of IPC, Section 3(1) of TNPPDL Act and Section 4 of TNPHW Act.

2. The petitioners and the defacto complainant have previous enmity regarding local body election and due to the same on the date of occurrence all the accused persons numbering 11 trespassed into the house of the defacto complainant and caused damage to the two wheeler, four wheeler and also attacked the defacto complainant and caused injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted them. He would also submit that before the occurrence the petitioners herein was also attacked by the defacto complainant and



they have also given a complaint and the same was not registered by the respondent police. He would also submit that the injured was also discharged from the hospital.

4. The learned Additional Public Prosecutor would submit that earlier the defacto complainant herein also attacked the petitioners and a case has been registered and in retaliation the petitioners herein along with others trespassed into the house of the defacto complainant and caused damage to the two wheeler, four wheeler worth Rs.65,000/- and also attacked the defacto complainant and caused injuries. He would also submit that the injured was discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the occurrence said to have taken place due to previous enmity in a wordy quarrel and also the fact that the injured was discharged from the hospital, 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, Melur, Madurai District

i) before executing bail bond, the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.1571 of 2020 before the learned Judicial Magistrate, Melur, Madurai District without prejudice his defence before the trial Court

ii) 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

iii) the petitioners shall report before the respondent police as and when required for interrogation.

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

v) the petitioners shall not abscond during trial.

vi) 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].



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

sd/-
01/09/2020

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/ /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, MELUR,
MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL JAIL,
MADURAI.
4. THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9042 of 2020
Date : 01/09/2020

MS/VR/SAR-3/01.09.2020/3P.6C