



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9368 of 2020

1. Balasubramanian @ Bala
2. Arumugam

... Petitioners/Accused No.6&7

Vs

The State Rep. by
The Inspector of Police,
Eral Police Station,
Thoothukudi District
Crime No. 406 of 2020.

... Respondent/Complainant

For Petitioners : M/s.P.Mani Anandh,
Advocate.

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

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

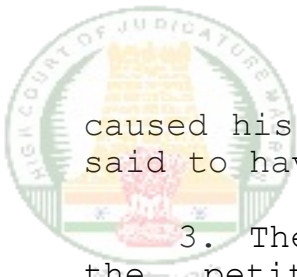
PRAYER :-

For Bail in Crime No. 406 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A6 and A7 herein were arrested on 07.08.2020 for the alleged offences under Sections 147,148,294(b) 323,307,447,427 and 506(ii) of IPC.

2. There are totally seven accused in this case. The case of the prosecution is that there was previous enmity between the defacto complainant's son -in-law and A1, due to which on the date of occurrence A1 in this case said to have engaged this petitioners and others, all the accused persons went to the house of the defacto complainant and quarrelled with him and also damaged the household articles. When the same was questioned, A1 and A2 said to have attacked the defacto complainant with aruval and wooden log and



caused his injuries. Sofar as these petitioners are concerned they said to have damaged the house hold articles in the house.

3. The learned counsel for the petitioners would submit that the petitioners are only friend of A1 and their name does not found place in the First Information Report and no specific allegation has been levelled against them and they have been falsely implicated in the above case. He would also submit that the injured was discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused went to the house of defacto complainant and caused damage to the household articles and two wheeler. A1 to A3 attacked the defacto complainant and the petitioners herein was also very much present in the occurrence and involved in the said occurrence.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the main allegations are against A1 to A3 and also the fact that the names of the petitioners does not found place in the First Information Report and no specific allegations have been levelled against them and also taking note of the fact injured discharged from the hospital 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, Srivaikundam

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 once in a week on every Monday 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.

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sd/-
04/09/2020

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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, SRIVAİKUNDAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ERAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
PERAVOORANI PRISON,
THOOTHUKUDI DISTRICT.

ORDER
IN
CRL OP(MD) No.9368 of 2020
Date :04/09/2020

AAV
TE/PN/SAR-II : 04/09/2020 : 3P/6C