



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

Date : 16/09/2020

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.9533 of 2020**

WEB COPY

1. T.Praveen,
2. K.Arumuga Nainar

... Petitioners/Accused No.1&2

Vs

The State rep by
The Inspector of Police,
Seidunga Nallur Police Station,
Thoothukudi District.
(Crime No.505 of 2020)

... Respondent/Complainant

For Petitioners : M/s.D.Selvanayagam,
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.505/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein were arrested on 22.08.2020 for the alleged offences under Sections 147,148,341,294(b), 323,307 and 506(ii) of IPC.

2. The case of the prosecution is that on the date of occurrence when the defacto complainant and others were taking bath in Tambirabarani river all the four accused came to the scene of occurrence and introduced themselves as Forest Ranger and thereafter they attacked the defacto complainant with weapons, caused injuries and left the scene of occurrence. Hence the complaint.

3. The learned counsel for the petitioners would submit that it is a case and counter case. On the date of occurrence there was a wordy quarrel in which the defacto complainant attacked the petitioners and the first petitioner has also given complaint against the defacto complainant which was registered in Crime No.



506 of 2020. He would also submit that the injured was already discharged from the hospital. Hence they may be granted bail.

4. The learned Government Advocate (Crl.Side) would submit that it is a communal clash between two groups in which the petitioners said to have attacked the defacto complainant and caused injuries. He would also submit that the injured was already discharged from the hospital

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that it is a case and case in counter and in the wordy quarrel the occurrence said to have place place 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, 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 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/-
16/09/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



AAV

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,
SRIVAIKUNDAM.
- 2 DO THRO
THE CHIEF JUDICIAL MAGISTRATE,
SRIVAIKUNDAM.
- 3 THE OFFICER INCHARGE,
PERURANI JAIL, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
SEIDUNGA NALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9533 of 2020
Date :16/09/2020

KM:VR-SAR4(16.09.2020) 3P 6C