



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9664 of 2020

1. Baskar @ Prabakaran
2. Veerasamy

... Petitioners/Accused No.1 & 4

Vs

State Rep.by
The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
Crime No.278/2020

... Respondent/Complainant

For Petitioners : M/s.S.Ravi,
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.278/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A4 herein were arrested on 31.08.2020 for the alleged offence under Sections 294 (b), 341,323,324,307 and 506 (ii) of IPC

2. The petitioners herein are arrayed as A1 and A4. The case of the prosecution is due to previous enmity when the defacto complainant was attending the marriage function the petitioners herein along with others said to have abused him, attacked him and also criminally intimidated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that it is case and case in Council and the injured person was also discharged from the



hospital. He would also submit that co-accused in this case namely A2 and A3 were granted anticipatory bail by this Court on 09.09.2020 in Crl.O.P(MD) No. 9506 of 2020.

4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity between the petitioners and the defacto complainant, the petitioners herein said to have abused him, attacked him and also criminally intimidated the defacto complainant. He would also submit that it is case and case in Counter and the injured person was also discharged from the hospital and the co-accused in this case namely A2 and A3 were granted anticipatory bail by this Court on 09.09.2020 in Crl.O.P(MD) No. 9506 of 2020.

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 in a wordy quarrel and also the fact that the injured was discharged from the hospital and co-accused in this case were granted anticipatory bail by this Court, 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 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/-

11/09/2020

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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.

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- TO
1. THE JUDICIAL MAGISTRATE, THIRUMAYAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT JAIL,
PUDUKKOTTAI.
 4. THE INSPECTOR OF POLICE,
K.PUDUPATTY POLICE STATION, PUDUKKOTTAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9664 of 2020
Date :11/09/2020

MS/AKM/SAR-2/11.09.2020/3P.6C