



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

Date : 28/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11887 of 2020

1. Veeramalai Kitchaan
2. Pugazhenthir

... Petitioners/Accused Nos.1 & 3

Vs

State Rep. by
The Inspector of Police,
Vangal Police Station,
Karur District ,
Crime No.433 of 2020.

... Respondent/Complainant

For Petitioners : M/s.S.Deenadhayalan,
Advocate.

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

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

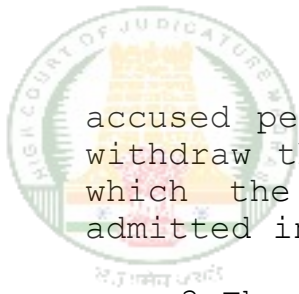
PRAYER :-

For Bail in Crime No.433 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3 , who were arrested and remanded to judicial custody on 28.09.2020 for the offences punishable under Sections 147, 148, 341, 294(b), 323,324 and 307 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the defacto complainant's brother was running a fruit shop and the first accused had purchased fruits from the said shop and not paid the amount for which the defacto complainant's brother asked the first accused to repay the amount and at that time there was a wordy quarrel,due to which a case in Crime No. 1016 of 2020 was registered for the offences under Sections 294(b), 323,324 and 506(ii) of IPC on the file of the Karur City Police Station . Thereafter on 24.09.2020 at about 10.15 pm., when the defacto complainant's brother was from the shop the first accused along with other



accused persons said to have threatened the defacto complainant to withdraw the case and assaulted him with wooden log and aruval, in which the defacto complainant's brother sustained injuries and admitted in the hospital. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners never committed any offence as alleged by the prosecution and due to some previous enmity a false case has been foisted against them. He would further submit that the injured was discharged from the hospital and the petitioners were in jail for nearly one month, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that due to some previous enmity, the petitioners along with other accused persons said to have assaulted the defacto complainant's brother with wooden log and aruval, in which the defacto complainant's brother sustained injuries and admitted in the hospital. He would further submit that the injured was discharged from the hospital

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the injured was already 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.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Karur

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 Thanjavur and report before the Thanjavur Town Police Station daily at 10.00 am., and 5.00 pm., 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/10/2020

WEB COPY

/ TRUE COPY /

/ /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 NO.II,
KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3 THE INSPECTOR OF POLICE,
VANGAL POLICE STATION, KARUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KARUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THANJAVUR TOWN POLICE STATION,
THANJAVUR.

ORDER
IN
CRL OP(MD) No.11887 of 2020
Date :28/10/2020

AAV
JM/PN/SAR III/28.10.2020/3P/7C