



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

Dated : 18/11/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD).Nos.12971 and 12979 of 2020

CRL OP(MD)No.12971 of 2020:

Gunasekaran ... Petitioner/Accused No.4
Vs

The State rep.by
The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
Crime No.407 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Sathya Chidambaram, 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.407 of 2020 on the file of the Respondent Police.

CRL OP(MD)No.12979 of 2020:

1.Muthukumar
S/o.Periyasamy,
No.69, Kodakudi,Jegathapattinam Post,
Kilamanjakudi, Pudukkottai District.

2.Ragunath @ Dhanabalan

3.Muthukumar
S/o.Periyasamy
No.71, Kodakudi,Jegathapattinam Post,
Kilamanjakudi,
Pudukkottai District.

... Petitioners/Accused No.1,3 & 5

Vs.

The State rep.by
The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
Crime No.407 of 2020.

... Respondent/Complainant



For Petitioners : Mr.S.Sathya Chidambaram, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.407 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners were arrested and remanded to Judicial Custody on 29.10.2020 for the offences punishable under sections 147, 148, 294(b), 341, 323, 324, 427 and 307 of IPC, in Crime No.407 of 2020 on the file of the respondent police. They seek bail.

3. Earlier, there was a dispute between two groups and case and counter case were registered. Once again, there is a dispute between two groups and the victim/defacto complainant sustained injuries.

4.The learned Government Advocate (Crl.side) brought to the notice of this Court that the injured persons were discharged from the Hospital and now, they are taking physiotherapy treatment in Vijay Hospital at Pudukottai.

5.In view of the fact that the victim had already been discharged from the hospital, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(a)the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi, Pudukottai District.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police for interrogation, as and when required.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/11/2020

/ 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,
ARANTHANGI, PUDUKOTTAI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE, MIMISAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI, PUDUKOTTAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD).Nos.12971
and 12979 of 2020
Date :18/11/2020

RMI
TK/PN/SAR.2/18.11.2020/3P/6C