



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

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PRESENT

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

CRL OP(MD). No.13637 of 2020

1. A.Hari @ Hariharan
2. A.Manisankar
3. M.Ponnarasu
4. Muthuraj
5. Mariappan

... Petitioners/Accused No.1to5

Vs

The State rep. by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No.1510 of 2020)

... Respondent/Complainant

For Petitioners: M/s.R.Kannan, Advocate.

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

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

PRAYER :-

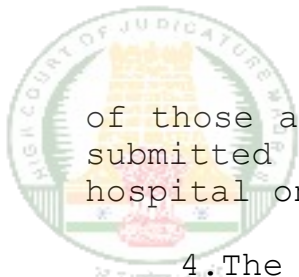
For Bail in Crime No.1510 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners are arrayed as accused/A1 to A5. They were arrested and remanded to Judicial Custody on 23.10.2020 for the offences punishable under sections 147, 294(b), 323, 342, 324, 427, 307, 355 and 506(ii) of I.P.C., in Crime No.1510 of 2020 on the file of the respondent police. They seek bail.

3.The learned Government Advocate(Criminal side) appearing for the State made a submission that the investigations are in progress and he is unable to establish that there is a serious threat in the matter of continuing the investigation. As the investigations are almost completed and 10 more persons are absconding and in respect



of those accused persons, the investigation is required. He further submitted that the victim had already been discharged from the hospital on 05.11.2020.

4.The case against the petitioners is that they are attacked the de-facto complainant, while he was sitting inside the restaurant, belongs to the first accused. However, the victim also discharged from the hospital on 05.11.2020 itself and therefore, the petitioners are enlarged on bail with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District.

[a] the petitioners and 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.

[b] the petitioners shall report before the respondent police every day morning at 10.00 a.m and evening at 06.00 p.m for a period of four weeks and thereafter, every day morning at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

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

[e] 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].

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

sd/-

27/11/2020

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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,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13637 of 2020
Date :27/11/2020

NS
SRS/PN/SAR-III/27.11.2020/3P/6C