



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

Date : 16/12/2020

PRESENT

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

CRL OP(MD). No.14836 of 2020

1.Vijaya Raj
2.Kishore Daniel

... Petitioners/A-1 & 2

Vs

The State rep.by
The Inspector of Police,
Muthaiahpuram Police Station,
Thoothukudi District.
Crime No.387 of 2020

... Respondent/Complainant

For Petitioners: Mr.A.K.Manickam,
Advocate.

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

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

PRAYER :-

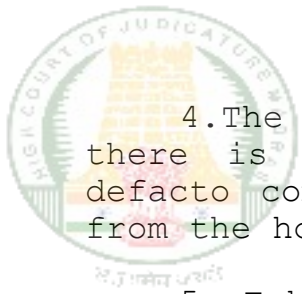
For Bail in Crime No.387 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 25.10.2020 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC, on the file of the respondent police seek bail.

2.The case of the prosecution is that due to previous enmity, on the date of occurrence, when the defacto complainant was going to his shop, the petitioners waylaid him and scolded him in filthy and during the wordy quarrel between them, the first petitioner attacked the defacto complainant with aruval while the second petitioner attacked the defacto complainant with iron rod. The defacto complainant was taken to the hospital. Hence, a case has been registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against



4.The learned Government Advocate(Crl.Side) would submit that there is previous motive between the first petitioner and the defacto complainant. The defacto complainant has been 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, 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, Thoothukudi.

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., for a period of four weeks and thereafter, 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/12/2020

/ 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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4. THE INSPECTOR OF POLICE,
MUTHAIAHPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14836 of 2020

Date : 16/12/2020

IAS

TK/PN/SAR.4/16.12.2020/3P/6C