



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

Date : 02/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1320 of 2021

1. Manikandan
2. Perumal

...Petitioners/Accused No.1 & 3

-Vs-

State Rep.by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Crime No.1 of 2021

... Respondent/Complainant

For Petitioners : Mr.A.Jayaramachandran,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

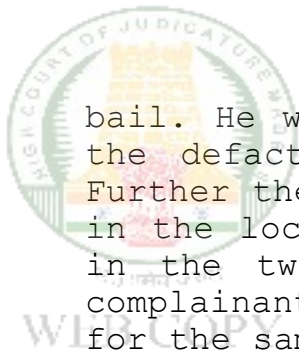
PRAYER :- For Bail in Crime No.1 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who were arrested and remanded to judicial custody on 02.01.2021 for the offences punishable under Sections 294(b), 323, 324, 307, 506(ii) of IPC and Section 4 of TNPHW Act on the file of the respondent police seek bail.

2.The case of the prosecution is that due to some previous enmity on the date of occurrence when the defacto complainant's wife was putting kolam in front of her house, A1 and A2 came in a motor cycle in a rash and negligent manner and try to dash against her. Immediately she scolded them and due to which there was a wordy quarrel between them. Subsequently on the same day within one hour while the defacto complainant was standing in the village bridge the accused came there and questioned the defacto complainant how he would advice them to reduce the speed and used filthy wordy against him and attacked him aruval and stick. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A3. He would also submit that the accused in this case namely A2 to A5 were released on station



bail. He would further submit that both the petitioners family and the defacto complainant family are living in the same locality. Further the defacto complainant's wife used to quarrel with everyone in the locality and on the date of occurrence the petitioners came in the two wheeler in the normal speed for which the defacto complainant's wife abused them and when they petitioners questioned for the same the defacto complainant and his wife assaulted and only to escape from the clutches of law the present false complaint has been foisted against them. He would also submit that the petitioners were in jail for more than 30 days and the injured in this case was also discharged from the hospital, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally five accused in this case and the petitioners herein are arrayed as A1 and A3. He would also submit that due to wordy quarrel regarding riding of two wheeler the petitioners herein said to have abused the defacto complainant and assaulted with aruval. He would also submit that the injured was discharged from the hospital and A2 to A5 in this case were released on station bail. He would also submit that no previous case is pending is against the petitioners.

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 the injured got discharged from the hospital and also the fact that no previous case is pending against the petitioner, 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaigundam.

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 am., for a period of two 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 were breached and the petitioner 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.

WEB COPY

sd/-
02/02/2021

/ TRUE COPY /

/ /2021

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, SRIVAIGUNDAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
PERAVURANI.
4. THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1320 of 2021
Date : 02/02/2021

AAV
MS/VR/SAR-1/02.02.2021/3P.6C