



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

Date : 11/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1285 of 2021

1.Ajithkumar
2.Selvam
3.Chellaiah
4.Selvakumar
5.Ganapathi

...Petitioners/Accused
No.1,2,3,6 and 10

6.Chinnaraju
7.Ravikumar
8.Kamaraj
9.Adaikkalam S/o.Subramani
10.Adaikkalam S/o.Arumugam
11.Anburaj @ Raja

... Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
Crime No.10 of 2021.

... Respondent/Complainant

For Petitioners : Mr.M.Kaliraj,
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.10 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3,A6 to A10, who were arrested and remanded to judicial custody for the offences punishable under Sections 147,148,294(b),341,452,323,324,427 and 307 of IPC on the file of the respondent police seek bail.



2.The case of the prosecution is that the petitioners along with others unlawfully assembled together and trespassed into house and shop of the defacto complainant abused and assaulted him with deadly weapons and also made an attempt to murder him. Further they also caused damage tot he vehicles and utensils in the house. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 to A3,A6 to A10. He would also submit that the petitioners never committed any offence as alleged by the prosecution and due to some political enmity a false case has been foisted against the petitioners. He would also submit that it is case in counter and the injured in both the cases were discharged from the hospital. He would also submit that the petitioners are poor agricultural coolie and now they are ready to deposit a sum of Rs.10,000/- each to the credit of the crime number and seeks bail.

4. The learned Additional Public Prosecutor would submit that there are 16 accused in this case and the petitioners herein are arrayed as A1 to A3,A6 to A10. He would also submit that it is case in counter and the injured in both the cases were discharged from the hospital. He would further submit that the damaged caused by the petitioners is worth about Rs. 5,71,191/-, hence he strongly opposed to grant bail to the petitioners.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the fact that the petitioners have come forward to deposit a sum of Rs.10,000/- each and also taking note of the fact that it is case in counter and the injured in both the cases got 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi

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 deposit a sum of Rs.10,000/- each to the credit of the Crime No.10 of 2021 on the file of the learned Judicial Magistrate, Karaikudi without prejudice to their rights before the concerned Court and on such deposit being made the learned Magistrate shall accept the sureties furnished by the



iii) the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

iv) the petitioners shall not tamper with evidence or witness.

v) the petitioners shall not abscond during trial.

vi) 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 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/02/2021

/ 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, KARAIKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION, SIVAGANGAI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.KALIRAJ Advocate SR.No.900

ORDER
IN
CRL OP(MD) No.1285 of 2021
Date :11/02/2021

AAV

<https://hcmv.csr.copd.gov.in/hcmvservices/>
2021/3P/7C