



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

Date : 18/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1365 of 2021

1.SiVA

2.Ajith @ Ajithkumar

... Petitioners/Accused 1 and 2

Vs

The State rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.27/2021.

... Respondent/Complainant

For Petitioners : Mr.P.Kottaichamy,
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. 27/2021 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 17.01.2021 for the offences punishable under Sections 147,148,294(b),342,353,332,307 and 506(ii) 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, wrongfully confined the defacto complainant who is the driver of the Sivagangai Tahsildhar and assaulted him and committed an attempt to murder him. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2 and they never indulged in any kind of offence as alleged by the prosecution. He would also submit that due to previous enmity a false case has been foisted against the petitioners and now the injured was also discharged from the hospital, hence they may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that petitioners along with others unlawfully assembled together, wrongfully confined the defacto complainant who is the driver of the Sivagangai Tahsildhar and assaulted him and committed an attempt to murder him. He would also submit that the injured got 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 and also taking note of the fact that the injured 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 No.I, Sivagangai

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 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].

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

sd/-
18/02/2021

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE No.I, SIVAGANGAI.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT
 - 4.THE OFFICER INCHARGE,
SUB JAIL, THIRUPATHUR.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.P.KOTTAICHAMY Advocate SR.No.1159

ORDER
IN
CRL OP(MD) No.1365 of 2021
Date :18/02/2021

AAV
TK/VR/SAR.4/18.02.2021/3P/7C