



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2395 of 2021

V.Gurusamy Raja

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
Crime No.25/2021.

... Respondent/Complainant

For Petitioner : Mr.P.Banuprasath,
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 Cr.No.25 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 30.01.2021 for the offences punishable under Sections 147,148,294(b),307, 363, 427, 506(ii) of IPC and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 30.01.2021 the petitioner along with other accused unlawfully assembled together with deadly weapons went to the house of the defacto complainant's sister and abused the defacto complainant and attempted to murder. Further they had also kidnapped the defacto complainant's sister and caused harassment to her and criminally intimidated her and damaged the household articles. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Both A1 and the defacto complainant's sister husband namely Murugan @ Yamaha Murugan are friends and there a dispute between only A1 and the defacto complainant's brother-in-law, this



petitioner is only driver of the vehicle, which was used by A1 for kidnapping the sister of the defacto complainant. He would also submit that injured got discharged from the hospital, hence he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that there are totally six accused in this case and the petitioner herein is arrayed as A3. He would submit that 30.01.2021 the petitioner along with other accused unlawfully assembled together with deadly weapons went to the house of the defacto complainant's sister and abused the defacto complainant and attempted to murder. Further they had also kidnapped the defacto complainant's sister and caused harassment to her and criminally intimidated her and damaged the household articles. He would also submit that the injured got discharged from the hospital.

5. It is seen that there was dispute only between A1 and the defacto complainant's brother-in-law, this petitioner is only driver of the vehicle, which was used by A1 for kidnapping the sister of the defacto complainant.

6. 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 was discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 No.I, 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner 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 petitioner 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 *Govindarajan P. v. State of Kerala* [(2005) AIR SCW 5560].



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

sd/-
16/02/2021

/ TRUE COPY /

WEB 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 NO.I, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI, TUTICORIN.
4. THE INSPECTOR OF POLICE,
PUTHIYAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.P.BANUPRASATH, Advocate (SR-1048[I] dated 16/02/2021)

ORDER
IN
CRL OP(MD) No.2395 of 2021
Date :16/02/2021

AAV
MS/VR/SAR-2/16.02.2021/3P.7C