



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

Date : 17/02/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.2531 of 2021

1.Vasudevan  
2.Puniyamoorthy  
3.Dhilipan  
4.Arumugam  
5.Dhanapal

... Petitioners/Accused  
Nos.1 to 5

Vs

The State rep.by  
The Inspector of Police,  
Thillai Nagar Police Station,  
Trichy District.  
Crime No.893/2020.

... Respondent/Complainant

For Petitioners: Mr.K.Sivabalan,  
Advocate.

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

For Intervenor : Mr.D.M.Haroon Rasheed, Advocate

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

PRAYER :-

For Bail in Crime no.893 of 2020 on the file of the respondent Police.

**ORDER :** The Court made the following order :-

The petitioners was arrested and remanded to Judicial Custody on 16.12.2020 for the offences punishable under Sections 147, 148, 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 when the defacto complainant went his two wheeler, he received a phone call. Hence, he stopped the vehicle and attended the phone call. At that time, five persons came in TATA Sumo Car attacked him with sword and escaped from the scene of occurrence. Hence, the present complaint.



3.The learned counsel for the petitioners submitted that the petitioners had been falsely implicated in this case and they had not committed any offence as alleged by prosecution. There is community dispute between villagers of the petitioners and the defacto complainant. Hence, the defacto complainant lodged a false case against the petitioners.

4.The learned Government Advocate (Crl. Side) submitted that there is a communal dispute between the petitioners and the defacto complainant. The defacto complainant suffered grievous injury. It is seen from the CCTV footage that the petitioners were in the scene occurrence and thereafter, the names of the petitioners were included in the FIR. He further submitted that the fifth petitioner is having three previous cases.

5. Taking into consideration the 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 1 to 4 by imposing conditions.

6.Accordingly, the petitioners 1 to 4 are ordered to be released on bail on his 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 Principal Sessions Court, Tiruchirappalli.

[a] 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;

[b] the petitioners 1 to 4 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.

[c]the petitioners 1 to 4 shall not abscond either during investigation or trial.

[d]the petitioners 1 to 4 shall not tamper with evidence or witness either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1 to 4 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].



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. Since the fifth petitioner is having previous cases to his credit, this criminal original petition is dismissed, as far as the fifth petitioner is concerned. The criminal original petition is partly allowed.

sd/-  
17/02/2021

/ 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 PRINCIPAL SESSIONS JUDGE, TRICHY.

2. THE INSPECTOR OF POLICE,  
THILLAI NAGAR POLICE STATION,  
TRICHY DISTRICT.

3. THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-1132[I] dated 17/02/2021)

ORDER  
IN  
CRL OP(MD) No.2531 of 2021  
Date :17/02/2021

IAS  
TK/VR/SAR.1/19.02.2021/3P/6C