



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

Date : 19/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD).Nos.2686 and 2687 of 2021

Mohan ... Petitioner/Accused No.6
in CRL OP(MD).No.2686 of 2021

Balaji ... Petitioner/Accused No.5
in CRL OP(MD)No.2687 of 2021

Vs

The State rep.by
The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No.64/2021.

... Respondent/Complainant
in both petitions

For Petitioners : Mr.R.Maheswaran, Advocate.
in Both Petitions

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor
in Both Petitions

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

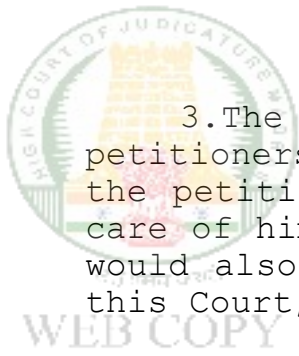
COMMON PRAYER :-

For Bail in Cr.No.64 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A6 and A5 who were arrested and remanded to judicial custody on 23.01.2021 for the offences punishable under Sections 147,148,294(b),341,324,120(B) and 307 on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioners herein along with other accused said to have abused the defacto complainant and assaulted him with deadly weapons and caused injuries. Hence the



3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against the petitioners. He would also submit that there is nobody to take care of him and hence is yet to be discharged from the hospital. He would also submit that co-accused in this case was granted bail by this Court, hence he seeks bail

4. The learned Additional Public Prosecutor would submit that there are totally 11 accused in this case and the petitioners herein are arrayed as A6 and A5. A1 is the President of Soorampatti Village, A2 is the close friend of A1. A3 was working as Clerk under A1 in the Panchayat. A4 mother is working in the Serakudi Panchayat. A5 to A11 are the villagers. The defacto complainant/injured is a social activist and a member of 10ருபாய் இயக்கம். He used to send complaint about the mismanagement and the forgery committed by the local panchayat President and other officials. A1 and A4 are doing some illegal activities. Finding that the defacto complainant is the obstacle for their illegal work had engaged A2 and who inturn arranged A5 to A11 in this case to do away the life of the defacto complainant and assaulted him, in which he sustained injuries and taking treatment.

5. It is seen that the petitioners herein are arrayed as A6 and A5 and they accompanied with A1 and only A1 said to have attacked the injured and now the injured is fit for discharge. It is also stated that A3 in this case was granted bail by this Court.

6. Taking note of the above 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 subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

[a] the petitioners shall deposit a sum of Rs.10,000/-(Rupees Ten thousand)each to the account of Mr.D.Karthikeyan(Canara bank Account No.1012101043080,Tallakulam Branch,IFSC Code No.CNRB0001012) without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance / submission of amount to the Magistrate while executing sureties.

[b] On acknowledgment of the same, the petitioners shall execute 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, Musiri

[c] 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



[d] the petitioners 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.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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 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].

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

sd/-

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

ORDER IN
CRL OP(MD).Nos.2686 and
2687 of 2021
Date :19/02/2021

AAV

<https://hccr.cba.gov.in/hccr/cba> 2021/3P/6C