



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

Date : 08/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3586 of 2021

1.Saravanan
2.Jemini Raj @ Jemini
3.Vicknesh @ Koya Vicknesh

... Petitioners/Accused
No.3 to 5

Vs

The State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.107 of 2021.

... Respondent/Complainant

For Petitioners : Mr.A.Ananda Raj,
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.107 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5 , who were arrested and remanded to judicial custody on 18.02.2021 for the offences punishable under Sections 147,148,294(b),324,307,506(ii) of IPC and Section 25(1A) of arms Act on the file of the respondent police seek bail.

2.The case of the prosecution is that due to previous enmity petitioners along with other accused said to have abused the defacto complainant, assaulted with iron rod and caused injuries. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the injured got discharged from the hospital.

4. The learned Additional Public Prosecutor would submit that on the date of occurrence when the petitioners were attending the earring function there was a wordy quarrel in which the petitioners herein along with other accused said to have assaulted the defacto complainant with iron rod and now the injured got discharged from the hospital.

5. It is seen that the petitioner's group and the defacto complainant belong to two groups on 10.01.2021 there was a ear boring ceremony in which both the groups had participated and at that time the petitioner's group had assaulted one Ajith when it was questioned by the defacto complainant and his friends, the petitioners herein along with other accused said to have attacked the defacto complainant with iron rod. Injured got discharged from the hospital.

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 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.II, Ramanathapuram.

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., until further orders.

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 *Shriji 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/-
08/03/2021

/ 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.II,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3586 of 2021
Date :08/03/2021

AAV
TK/VR/SAR.1/08.03.2021/3P/6C