



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

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4868 of 2021

1. Elumalai
2. Sirajudeen

... Petitioners/Accused No.2 and 4

Vs

State Rep.by
The Inspector of Police,
Palakkarai Police Station,
Trichy District.
Crime No.77/2021.

... Respondent/Complainant

For Petitioners: Mr.R.Alagumani,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime no. 77 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A4, who were arrested and remanded to
judicial custody on 24.01.2021 for the offences punishable under
Sections 341, 294(b), 324, 506(ii) and 307 of IPC, in Crime No.77 of
2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant
had driven a lorry with rash and negligent manner. When the same
was questioned by the petitioners, there was a wordy quarrel between
them. Due to which, the petitioners were said to have abused the
defacto complainant by using filthy language and also attacked him
and caused injuries. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted
that the petitioners are innocent persons and they have not
committed any offence as alleged by the prosecution and they have
been falsely implicated in this case. He further submitted that A1
and A3 were arrested and subsequently, they were released on bail by
the Principal District and Sessions Judge, Tiruchirappalli. He



further submitted that the petitioners were in jail for more than two months, hence they may be granted bail.

4.The learned Government Advocate(Crl.Side) would submit that totally there are four accused in this case and the petitioners are having previous cases. Investigation is still pending. Hence he strongly opposed to grant bail to the petitioner.

5.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and A1 and A3 were arrested and subsequently, they were released on bail by the Principal District and Sessions Judge, Tiruchirappalli, 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.V. Trichy.

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 a.m 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 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/-
30/03/2021

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

ORDER

IN

CRL OP(MD) No.4868 of 2021

Date :30/03/2021

VSG

MS/PN/SAR-2/30.03.2021/3P.6C