



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.6005 of 2021

1. R.Dhanapal
2. Baskar

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Sub-Inspector of Police,
Sawyerpuram Police Station, Thoothukudi
(Crime No.84 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Muthumalairaja.S,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

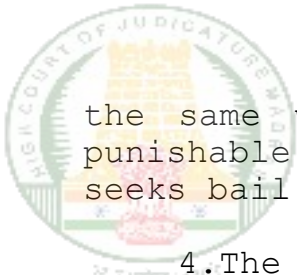
For Bail in Crime. No.84 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 14.04.2021 for the offences punishable under Sections 294(b), 307 and 506(ii) IPC in Crime No.84 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons threw the garbage in the defacto complainant's agriculture land. When the defacto complainant questioned about the same, the accused persons attacked the defacto complainant with aruval and caused injury in the left leg of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the first



the same was registered in crime No.83 of 2021 for the offence punishable under Sections 447, 294(b), 506(ii) IPC. Therefore, he seeks bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that the first petitioner is having four previous cases and details about the same are extracted hereunder:

1.Cr.No.52 of 2021 for the offence under Sections 341, 294(b), 323, 506(ii) & 435 IPC.

2.Cr.No.125 of 2010 for the offence under Sections 341, 294(b), 323, 324, 506 IPC

3.Cr.No.503 of 2014 for the offence under Sections 448, 294(b), 323, 427, 506(ii) IPC

4.Cr.No.18 of 2020 for the offence under Sections 147, 148, 294 (b), 323, 506(ii) IPC.

5.Taking into consideration the facts and circumstances of the case and also fact that the first petitioner is having four previous cases, this Court is not inclined to grant bail to the first petitioner and this petition is dismissed so far as the first petitioner is concerned.

6.Considering the fact that there is no previous case pending against the second petitioner and also the fact that he is in custody from 14.04.2021, this Court is inclined to grant bail to the petitioners.

7.Accordingly, the second 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.1, Thoothukudi, Thoothukudi District and on further condition that:

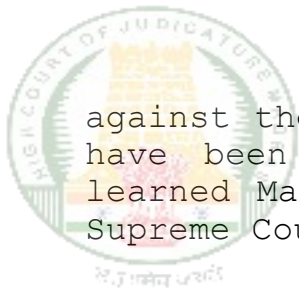
[a]the second petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b]the second petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

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

[e]On breach of any of the aforesaid conditions, the learned Magistrate may return the petitioners to custody. 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]**.

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

sd/-

28/04/2021

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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 NO.I,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
PERAVURANI, THOOTHUKUDI DISTRICT.
4. THE SUB-INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
THOOTHUKUDI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6005 of 2021

Date :28/04/2021

GNS

SRS/VR/SAR-II/28.04.2021/3P/6C

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