



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/05/2021

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PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) No.7025 of 2021

1. Sanjaigandhi
2. Chinnadurai
3. Boomilingam
4. Rajakannu
5. Rithishkumar @ Nithishkumar
6. Vimalraj
7. Kaliyamoorthi
8. Karthick
9. Sivanandam

... Petitioners/Accused
No.4 to 11 and 13

Vs

The State Rep. by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District
Crime No. 179 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Prahalad Ravi.B.,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in crime No. 179 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A4 to A11 and 13, who were arrested and remanded to judicial custody on 05.05.2021 for the offences punishable under Sections 147,148,294(b),324,307,427 and 506(ii) of IPC on the file of the respondent police seek bail.



2.The case of the prosecution is that due to some dispute regarding hiring of JCB the petitioners along with other accused said to have attacked the deceased with deadly weapons. Hence the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners never committed any offence as alleged by the prosecution. He would also submit that the injured has been discharged from the hospital. He would also submit that the petitioners are in jail from 05.05.2021, hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that the first petitioner is having two previous cases and the fourth petitioner is having six previous cases and A1 to A3 are absconding. He would also submit that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and considering the facts that there was dispute between the parties regarding hiring of JCB, that the injured was discharged from the hospital, that the petitioner is in judicial custody from 05.05.2021 and that except the offences under Sections 307 and 506 (ii) I.P.C., all other offences are bailable and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail immediately on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the concerned jail authority. The petitioner, after his release, shall surrender before the concerned Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and 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 District Munsif cum Judicial Magistrate, Thiruvudaimaruthur.

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 on every Monday and Friday at 10.30 a.m for a period of thirty days.

<https://hcservices.ecourts.gov.in/hcservices/>

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 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/05/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.

ORDER

IN

CRL OP(MD) No.7025 of 2021

Date :27/05/2021