



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.06.2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.7322 of 2021

Thangapandi

... Petitioner/Accused No.11

Vs

The State Rep. by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District,
Crime No.71 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Saravanakumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.71 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is in custody from 06.05.2021 for the offences under Sections 109, 147, 148, 294(b), 427, 435, 436, 488 and 506(ii) of IPC in Crime No.71 of 2021 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that there was a previous enmity between the petitioner and the defacto complainant. On 04.05.2021, when the defacto complainant and his wife were studying in front of their house, at the instigation of the petitioner, the accused persons came to the house of the defacto complainant and assembled unlawfully, attacked them with deadly weapons such as wooden log, iron rod. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this



case. He would further submit that all the accused persons have been released on bail, except the petitioner herein and he is in judicial custody from 06.05.2021. Hence, he seeks for granting bail to the petitioner.

4. The learned Government Advocate appearing on behalf of the respondent police submits that at the instigation of the petitioner, the other accused persons attacked the defacto complainant and his wife with deadly weapons of wooden log, iron rod, due to which, they sustained injuries. He further submits that the accused persons damaged the property worth about several lakhs belongs to the defacto complainant. Therefore, according to him, cash security must be ordered.

5. Considering the period of incarceration of the petitioner and considering the fact that the other accused persons have been released on bail and the major portion of the investigation might have been completed in this time, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.II, Virudhunagar.

ii) the petitioner shall deposit a sum of Rs.25,000/- [Rupees Twenty Five Thousand only] to the credit of Crime No.71 of 2021 before the trial court, within a period of two weeks from the date of receipt of the order copy.

iii) 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.

iv) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

v) The petitioner shall not tamper with evidence or witness.

vi) the petitioner shall not abscond either during investigation or trial.

vii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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]**.



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

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sd/-
14/06/2021

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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.II, VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT PRISON,
VIRUDHUNAGAR.

ORDER
IN
CRL OP(MD) No.7322 of 2021
Date :14/06/2021

SSB
TE/JC/SAR-II : 16/06/2021 : 3P/6C