



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

Date : 12/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9013 of 2021

1.Iyyadurai
2.Sethu

... Petitioners/Accused No.1 & 4

Vs

State through,
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.
In Crime.No. 305 of 2021.

... Respondent/Complainant

For Petitioners : Mr.S.Palani Velayutham,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.305 of 2021 on the file of the Respondent police.

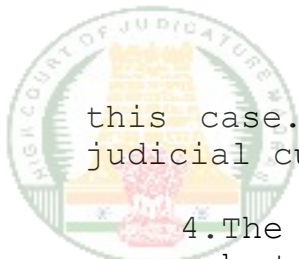
ORDER : The Court made the following order :-

The petitioners/A1 and A4, who were arrested on 19.06.2021 for the offences punishable under Sections 341, 323, 324, 307 and 506(ii) of IPC in Crime No.305 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 18.06.2021 at about 7.20 hrs while he was in his house he was informed that his father was attacked and suffered injuries near his brother's house Karthikeyan. He visited his father and found his father with cut injuries . He took his father to hospital. This incident has happened due to property dispute between the defacto complainant family and his uncle family. His father informed him that he was attacked by the accused persons with aruval on 18.06.2021 at 7.00 p.m., Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in

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



this case. He would further submit that the petitioners are in judicial custody from 19.06.2021, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent opposed the petition on the ground that the investigation is not yet completed. However he fairly concedes that the injured has been discharged from the hospital.

5.The facts show that the petitioners and the defacto complainant are relatives and there is a dispute with regard to property, in which the father of the defacto complainant was attacked.

6.Taking note of the fact and circumstances of the case and also the fact that the injured has been discharged from the hospital and the fact that the petitioners are in judicial custody from 19.06.2021, this Court is inclined to grant bail to the petitioners.

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.V, Tirunelveli and on further condition that:

[a] 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 petitioners shall report before the respondent police daily at 10.30 am., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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 themselves 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/-
12/07/2021

/ 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 JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4.THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5.THE OFFICER IN-CHARGE,
SUB JAIL, NANGUNERI, TIRUNELVELI DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9013 of 2021
Date :12/07/2021

AAV

PK/VR/SAR-III/12.07.2021 : 3P/7C