



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9335 of 2021

1.Sivakumar

2.Arulmani

... Petitioner/Accused

Vs

The State rep. by
Inspector of Police,
Kattuputhur Police Station,
Tiruchirappalli District.
(Cr. No.217 of 2021).

... Respondent

For Petitioners : Mr.B.Vetrivel ,
Advocate.

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

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

PRAYER :-

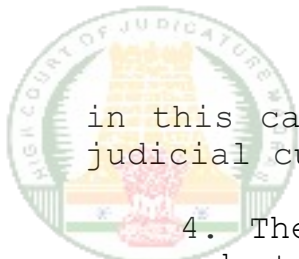
For Bail in Crime No.217 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested on 26.06.2021 for the offences punishable under Sections 147,148,294(b), 307 of IPC, in Crime No.217 of 2021 on the file of the respondent police, seek bail.

2.The defacto complainant has criminal cases pending against him in karur and he came out on bail. The case of the prosecution is that on 25.06.2021 at about 09.00 p.m., he came to his house at Seelaipillaiyarpudhur. At that time the accused had come there and scolded him in filthy language and attacked him with wooden log alleging that why he had come to his house inspite of warning given not to come, as a result he suffered injuries. Therefore, this case came to be registered.

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



in this case. He would further submit that the petitioners are in judicial custody from 26.06.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed this petition on the ground that investigation is pending. However he fairly concedes that the injured has been discharged from the hospital and the co-accused in this case were granted anticipatory bail by this Court on 07.07.2021 in Crl.O.P(MD) No.8917 of 2021.

5. 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 26.06.2021 and the fact that the co-accused in this case were granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioners..

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, Musiri 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/-
14/07/2021

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

ORDER
IN
CRL OP(MD) No.9335 of 2021
Date :14/07/2021

AAV
PK/VR/SAR-V/14.07.2021 : 3P/6C