



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/07/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9532 of 2021

1. Antony @ Antonyraj
2. Suresh
3. Klittas @ Antony Gildun ... Petitioners/Accused No.3,4 and 6

Vs

The State rep.by,
The Inspector of Police,
Thirumalainagar Police Station,
Thoothukudi District.
(Crime No.202/2021).

... Respondent/Complainant

For Petitioners : Mr.R.Maheswaran,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side).

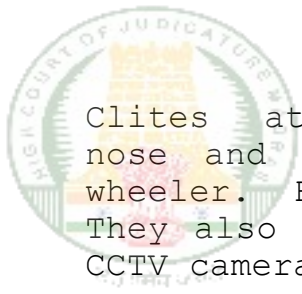
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime. No.202 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3,A4 and A6, who were arrested on 03.07.2021 for the offences punishable under Sections 143,148,294(b), 324,449,427 and 506(ii)of IPC in Crime No.202 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there is a previous enmity between the defacto complainant and neighbor Mariyaboopathy and her husband Mariyadas in connection with plastering of the house. Defacto complainant had already given complaint and enquiry was conducted in CSR No.210 of 2021 and therefore the police advised them not to involve in this kind of offences again and closed the complaint. On 19.06.2021 when the defacto complainant started plastering work in his house Mariydass, his wife Mariyaboopathi and mother Dany has abused him. Hence he stopped the work and went to the police station to give complaint. At about 06.45 hrs when he was in his house, Mariydass, his wife Mariyaboopathi and mother Dany and other accused scolded him in filthy language. Antony and



Clites attacked him aruval and caused injuries on his fore head, nose and also caused damage to the household articles and two wheeler. His father also sustained injuries in the said occurrence. They also made criminal intimidation and also caused damage to the CCTV camera. Hence the complaint.

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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 03.07.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. His further submission is that injured left the hospital on his own on 20.06.2021.

5. Taking note of the fact and circumstances of the case and also the fact that the injured left the hospital on his own and also the damage caused to the defacto complainant and the fact that the petitioners are in judicial custody from 03.07.2021, 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 No.II, Thoothukudi 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 are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.202 of 2021 before the** learned Judicial Magistrate No.II, Thoothukudi without prejudice to their rights and contentions before the trial Court;

[c]the learned Judicial Magistrate No.II, Thoothukudi is directed to pass appropriate orders with regard to the disbursing of the amount at the time of final disposal of the case including granting compensation of the de-facto complainant

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

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

[f] the petitioner shall not tamper with evidence or witness



either during investigation or trial.

[g] 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]**.

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

sd/-

19/07/2021

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/ /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.II,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THIRUMALAINAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9532 of 2021

Date :19/07/2021

AAV

MK/JC/SAR.III/19.07.2021/3P/6C