



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9570 of 2021

1. Saravanan
2. Karmegam

... Petitioners/Accused
No. 1 and 2

Vs

The State Represented by
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Crime No. 158/2021).

... Respondent/Complainant

For Petitioners : Mr.M.S.Jeyakarthik,
Advocate.

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

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

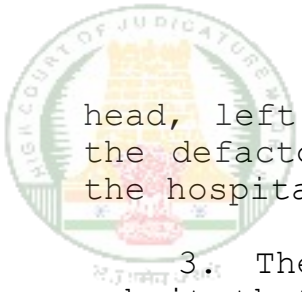
PRAYER :-

For Bail in Crime No.158/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 17.06.2021 for the offences under Sections 294(b), 341, 324, 307, 506(ii) and 120(B) of IPC in Cr.No.158 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there is a dispute between the family of the defacto complainant and the family of Muthuramalingam in connection with election. On 16.06.2021 at about 09.00 pm., when the husband of the defacto complainant was standing in Pandiyur to S.V.Mangalam Road, Saravanan, Karmegam and two unknown persons waylaid him and scolded him in filthy language and attacked him with Aruval. As a result, he suffered injuries on



head, left and right side wrist and chest. On hearing his noise, the defacto complainant, Karthy and Durai took him and admitted in the hospital. Hence, the present complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are in judicial custody from 17.06.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor opposed this petition on the ground that the investigation is pending. He further submitted that injured has been discharged from the hospital and the second petitioner is having two previous cases in Crime Nos.9 of 2016 and 104 of 2013.

5. As regards the second petitioner, this petition stands dismissed.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital and also taking into consideration the period of custody, this Court is inclined to grant bail to the first petitioner alone.

7. Accordingly, the first petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Paramakudi 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 first petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the first petitioner shall not abscond 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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]**.



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

sd/-
20/07/2021

/ TRUE COPY /

WEB 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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4.THE INSPECTOR OF POLICE,
NAINARKOIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.M.S.JEYAKARTHIK, Advocate SR.No.4701

ORDER
IN
CRL OP(MD) No.9570 of 2021
Date :20/07/2021

AAV
SS/VR/SAR-II/15.07.2021 : 3P/7C