



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.10441 of 2021

1. R.Padmanabhan,

2. U.Samuvel Roshan, ... Petitioners/Accused No.1 & 2

Vs

State Rep by

The Inspector of Police,
Cantonment Police Station (Crime),
Trichy City.

Cr.No. 694 of 2021.. ... Respondent/Complainant

For Petitioners : M/s.Jameel Arasu B,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate(Crl.Side)

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

PRAYER :-

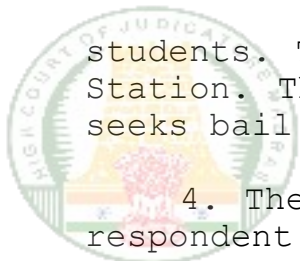
For Bail in Crime No.694 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2 herein were arrested on 23.07.2021 for the alleged offence under Section 395 I.P.C in Crime No.694 of 2021 on the file of the respondent police, seek bail.

2. The case was lodged by the Sub Inspector of Police, Railway Police Station that the petitioners and their friends had quarrelled with him that he belongs to other State and on account of that, they have also taken the motor cycle of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged in the prosecution. He would further submit that since the defacto complainant has abused the petitioners in Hindi, the petitioners have committed this offence and they are all college



students. The seized motor cycle was also handed over to the Police Station. The petitioners are in jail from 23.07.2021 and hence, he seeks bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners had quarrelled with the defacto complainant who is the Sub Inspector of Police of Railway Protection Force.

5. Considering the nature of offence committed by the petitioners and also considering the period of incarceration and they being college students, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are 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 No.II, Trichy 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 Railway Police Station, Trichy daily at 10.30 a.m, and 5.00 p.m for a period of 30 days.

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

[d] the petitioners 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 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 229A IPC.

sd/-

03/08/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Judicial Magistrate No.II, Trichy.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Superintendent, Central Prison, Trichy.
4. The Inspector of Police,
Cantonment Police Station (Crime),
Trichy City. Cr.No. 694 of 2021..
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.10441 of 2021
Date : 03/08/2021

TR/JM/SAR-iv(03.08.2021) 3P 6C