



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11110 of 2021

1. Chellamuthu

2. Vellaisamy

3. Ajith

... Petitioners/Accused Nos.2,4 & 6

Vs

The State rep by

The Inspector of Police,

Thenkarai Police Station,

Theni District

Cr.No.431/21.

... Respondent/Complainant

For Petitioners : M/s.Appadurai K,
Advocate.

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

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

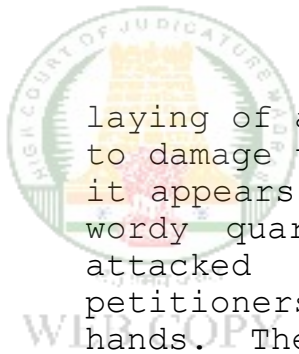
PRAYER :-

For Bail in Crime No.431/2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A2, A4 and A6, who were arrested on 09.06.2021 for the offence under Section 174 Cr.P.C and subsequently, altered into Sections 147, 294(b), 323, 302 I.P.C, in Cr.No.431 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners and the deceased are neighbours. The deceased has objected for



laying of a shed adjacent to his house and requested the accused not to damage the wall in the guise of putting up a shed. On 18.06.2021, it appears that when the deceased objected the accused, there was a wordy quarrel between themselves and subsequently, accused no.3 attacked the deceased, in which, he sustained injury. The petitioners herein have also assaulted the deceased with their hands. The petitioners 2 and 3 have also abused the defacto complainant and his family members.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in jail from 09.06.2021, hence they may be granted bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that so far 15 witnesses were examined and the investigation is almost completed.

4. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the period of incarceration, this Court is inclined to grant bail to the petitioners.

5. Accordingly, this Criminal Original Petition is allowed and 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, Periyakulam and on further conditions 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 appear before the respondent police daily at 10.30 am., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
10/08/2021

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/ /2021

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

MSA

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, Periyakulam.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Superintendent, Centrl Prison, Madurai.
4. The Inspector of Police,
Thenkarai Police Station, Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.11110 of 2021
Date : 10/08/2021

TR/PN/SAR-III(10.08.2021) 3P 6C