



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.13827 of 2021

1.Maria Antony Francis
2.Selvaguru

...Petitioners/Accused Nos.A4 &A5

vs

The State rep.by
The Inspector of Police,
Thoothukudi South Police Station
Thoothukudi District
Crime No.638 of 2021

... Respondent/Complainant

For Petitioners : Mr.R.ANAND
Advocate

For Respondent : Mr.T.SENTHILKUMAR
Additional Public Prosecutor(crl.side)

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

PRAYER :- For Bail in Crime No.638 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who were arrested on 28.08.2021 for the offence punishable under Sections 294(b), 324, 307 and 506(ii) I.P.C altered into Sections 120(b), 294(b), 324, 307 and 506(ii) I.P.C. in Crime No.638 of 2021, seek bail.

2. The case of the prosecution is that the first petitioner/A4 is the father of the first accused and the second petitioner/A5 is the sister's son of the first accused. Due to previous motive, the petitioners along with other accused assaulted the defacto complainant with aruval and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant misbehaved with the wife of the first accused and in this regard there was a scuffle. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that they are inside the prison from 28.08.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the overt act attributed as against the petitioners and also the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 a.m. until further orders.

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

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

[e]On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/09/2021

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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.I
THOOTHUKUDI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,TIRUNELVELI DISTRICT.

4.THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION
THOOTHUKUDI DISTRICT

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER
IN**

CRL OP(MD) No.13827 of 2021
Date :29/09/2021

SA/VR/SAR.1/29.09.2021/3P/6C