



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14172 of 2021

1.Manimaran
2.Dhanasekaran

... Petitioners/Accused Nos.2&4

Vs

The State rep.by
The Inspector of Police
West Police Station
Kumbakonam
Crime No.1155 of 2021

... Respondent/Complainant

For Petitioners : Mr.B.ARAVINTHAN,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.1155 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A4, who were arrested on 07.08.2021, for the offence punishable under Sections 447, 294(b), 324, 323 and 506(ii) I.P.C @ Sections 307 and 448 I.P.C r/w 34 I.P.C, in Crime No.1155 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is an Advocate, who is appearing in a case on behalf of his client namely Raman and his opposite party is one Saminathan, who is the first accused in this case. Since the defacto complainant is always acting on behalf of his client, as per instruction of the said Saminathan, the petitioners along with other accused in this case have abused the defacto complainant and also assaulted him with aruval on his shoulder and caused injury. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that they are languishing in jail from 07.08.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the injured has been discharged from the hospital. He would further submit that the first petitioner/A2 is having three previous cases and the second petitioner/A4 is having one case.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the fact that the injured was discharged from the hospital and also the period of incarceration, this Court is inclined to grant bail to the petitioners, however, with stringent conditions.

6.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.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, Kumbakonam 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 report before the respondent Police daily twice ie at 10.30 a.m and 05.30 p.m until further orders.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/09/2021

/ TRUE 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 NO.I
KUMBAKONAM.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE SUPERINTENDENT
CENTRAL PRISON, PUDUKOTTAI.
 4. THE INSPECTOR OF POLICE
WEST POLICE STATION
KUMBAKONAM
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to Mr.B.ARAVINTHAN, Advocate SR.No.6520

ORDER

IN

CRL OP(MD) No.14172 of 2021

Date : 23/09/2021

SA/VR/SAR.1/23.09.2021/3P/8C