



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14281 of 2021

1. Kathiresh @ Karuppasamy
2. Palani Babu @ Babu ... Petitioners/ Accused Nos.1 & 2

Vs

State rep. by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
In Crime No.202 of 2021. ... Respondent/Complainant

For Petitioner : Mr.S.Mandhiralingeswaran, Advocate.
For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.202 of 2021 on the file of the Respondent police.

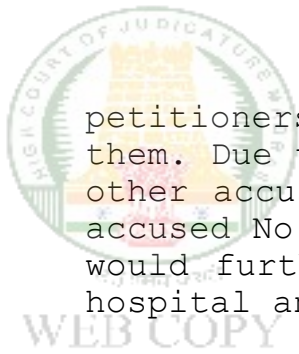
ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who were arrested on 06.09.2021 for the offences under Sections 294(b), 323, 307, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.202 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 02.09.2021 the petitioners and other accused abused the defacto complainant and his mother with filthy language and tried to murder them with aruval and caused injuries to them and made a criminal intimidation against them.

3.The learned counsel appearing for the petitioners submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 06.09.2021 and hence, they seek for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the defacto complainant and the



petitioners are neighbours and a civil dispute is pending between them. Due to the same, a wordy quarrel arose and the petitioners and other accused assaulted the defacto complainant and his mother. The accused No.1 is having one previous case in Crime No.85 of 2001. He would further submit that the injured has been discharged from the hospital and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as 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.

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, Srivaigundam, Thoothukudi District, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the first petitioner shall appear before the respondent police daily twice at 10.30 a.m., and 05.00 p.m., and the second petitioner shall appear before the respondent police daily at 10.30 a.m 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/-
24/09/2021

/ 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,
SRIVAIGUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
PERAURANI DISTRICT PRISON, THOOTHUKUDI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14281 of 2021
Date :24/09/2021

AM/CSM
MK/VR/SAR.II/24.09.2021/3P/6C