



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15103 of 2021

1.Athi Ganesh
2.Natesh @ Pathirakali ...Petitioners/Accused Rank Not Known

vs

The State rep.by,
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
In Crime No.276 of 2021. ... Respondent/Complainant

For Petitioners : Mr.C.Saravana Kumar
Advocate

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

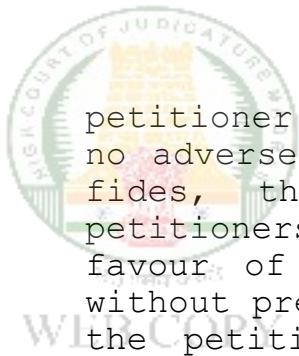
PRAYER :- For Bail in Crime No.276 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who were arrested on 23.08.2021 for
the offence punishable under Sections 294(b), 324, 307 and 506(ii)
I.P.C, in Crime No.276 of 2021, seek bail.

2. The case of the prosecution is that when accused no.1 went
to the defacto complainant's hotel for getting food parcel, there
was a wordy quarrel between themselves. Thereafter, accused no.1
along with other accused went to the defacto complainant's
hotel,abused him in filthy language, assaulted him with aruval and
caused head injury. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
first accused went to the defacto complainant's hotel for getting
food parcel and there was a quarrel between the first accused and
the defacto complainant, at that time, the petitioners introverted
the quarrel and tried to compromise the same. But the defacto
complainant falsely implicated the petitioners as accused. As per
the evidence, there is no specific overt act as against the second



petitioner. The first petitioner is a Diploma student and there is no adverse antecedent as against them. However, to show their bona fides, the learned counsel for the petitioners advised the petitioners to draw a demand draft for a sum of Rs.5,000/- each in favour of the defacto complainant towards his medical expenses, without prejudice to their case before the trial Court. Accordingly, the petitioners have taken the demand drafts in favour of the defacto complainant. He would further submit that the petitioners are inside the prison from 23.08.2021 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 *bona fide* offer made by the petitioners towards medical expenses 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, Cheranmahadevi 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 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 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/-

06/10/2021

/ 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 COURT,
CHERANMAHADEVI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MUKKUDAL POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15103 of 2021
Date :06/10/2021

MSA
MK/JM/SAR.II/06.10.2021/3P/6C