



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

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15219 of 2021

1. Mathan Raj
2. Thavamani
3. Karthik
4. Manikandamoorthi ... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
In Crime No.177 of 2021.

... Respondent/Complainant

For Petitioners : Mr.G.Mariappan,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.177 of 2021 on the file of the Respondent Police.

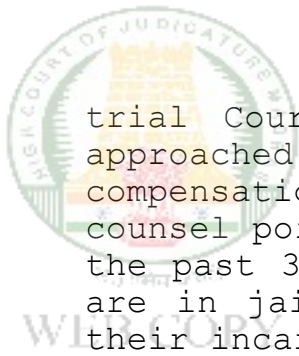
ORDER : The Court made the following order :-

The petitioners/A1 to A4, who were arrested on 31.08.2021 for the offence punishable under Sections 294(b), 324 and 307 I.P.C in Crime No.177 of 2021, seek bail.

2. The case of the prosecution is that on 31.08.2021 when the defacto complainant, his son Muneeswaran and his brother's son Perumal came to godown for loading of tiles, they found that the persons came to a gym, parked their vehicles and obstructed the way. When they asked the first accused to clear the way, the accused persons quarrelled with them and assaulted the defacto complainant and others with knife, wooden logs and caused injuries. Hence, the complaint.

3.The learned Senior counsel appearing for the petitioners would submit that he has also advised the petitioners to tender apology to the defacto complainant for the said incident and also

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trial Court. Accordingly, the relatives of the petitioners have approached the defacto complainant, but, he refused to receive any compensation from the petitioners' side. However, the learned Senior counsel pointed out that the petitioners are languishing in jail for the past 36 days. The four petitioners, who are in the same family are in jail and therefore, the entire family is suffering due to their incarceration. 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. He would further submit that the first petitioner is having one previous case and the second petitioner is having four previous cases.

5.The learned Senior Counsel appearing for the petitioners has also conceded the submission made by the learned Additional Public Prosecutor and submitted that as far as the second petitioner is concerned, three cases ended in acquittal and the remaining one case is in the stage of argument.

6.Considering the facts and circumstances of the case, the offer made by the petitioners and also the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

7. 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, Aruppukkottai 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 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



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/10/2021

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WEB 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,
ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15219 of 2021
Date :06/10/2021

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