



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15160 of 2021

1.K.Sivaraman
2.S.Prasath @ Sriram Prasath ...Petitioners/Accused Nos.1 & 3

vs

The State rep.by
The Inspector of Police,
Kovilpatti West Police Station
Thoothukudi District
Crime No.840 of 2021 ... Respondent/Complainant

For Petitioners : Mr.I.PINAYGASH
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.840 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A3, who were arrested on 24.09.2021 for the offence punishable under Sections 294(b), 324 and 506(ii) I.P.C altered into Sections 307, 294(b), 324 and 506(ii) I.P.C, in Crime No.840 of 2021, seek bail.

2. The case of the prosecution is that both the petitioners and the defacto complainant while having food in a Hotel, there was a wordy quarrel between themselves, they assaulted and threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are Graduates, they are in no way connected with the alleged occurrence. At the time of occurrence, they were only having food in the said hotel. He would further submit that the petitioners are inside the prison from 24.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit at the time of occurrence both the

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petitioners and the defacto complainant assaulted each other and it is a case of case in counter. He would further submit that the injured was treated as out patient in the hospital and the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the fact that it is a case and counter case, the injured was treated as out patient 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.II, Kovilpatti 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

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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.II
KOVILPATTI.

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

3. THE OFFICER INCHARGE
PERURANI SUB JAIL, THOOTHUKUDI.

4. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION
THOOTHUKUDI DISTRICT

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

+1. CC to Mr.I.PINAYGASH, Advocate SR.No.6966

ORDER

IN

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SA/JM/SAR.2/06.10.2021/3P/7C