



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15392 of 2021

1.Ajith
2.Jeyakumar
3.Ayyapan

.... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Patteeswaram Police Station, Thanjavur District.
In Crime No.546 of 2021. ... Respondent/Complainant

For Petitioners : Mr.C.Prithiviraj
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

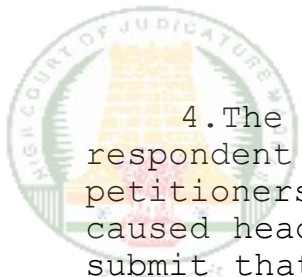
PRAYER :-For Bail in Crime No.546 of 2021 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested on 19.09.2021 for the
offence under Sections 294(b), 109 and 307 I.P.C, in Crime.No.546 of
2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners did not
attend the funeral ceremony of the defacto complainant's mother.
When the same was questioned by the defacto complainant, there was a
wordy quarrel between them. The petitioner assaulted the defacto
complainant and caused head injury. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits
that in the said occurrence, the defacto complainant also assaulted
the petitioners and caused injuries, for which, a case has been
registered in Crime No.547 of 2021 for the offence under Sections
294(b), 324 and 307 I.P.C. It is a case of case in counter. He would
further submit that the petitioners are innocents and they have not
committed any offence as alleged by the prosecution. The
petitioners are in jail from 19.09.2021 and hence, he seeks for



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that due to the previous enmity, the petitioners assaulted the defacto complainant with iron rod and caused head injury. It is a case and counter case. He would further submit that before the Sessions Court, it has been represented that both the petitioners and the defacto complainant are history sheeted rowdies. Therefore, he verified with the respondent police and found that the defacto complainant alone is a history sheeted rowdy. He would further submit that there is no adverse antecedent as against the petitioners and the victim was discharged from the hospital.

5. Considering the facts and circumstances of the case, fact that it is a case and counter case, the victims was discharged from the hospital, and on the submission of the learned Additional Public Prosecutor, that there is no adverse antecedent as against the petitioners 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 No.II, Kumbakonam and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners 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 petitioner 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 229-A IPC.

sd/-
07/10/2021

/ 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 NO.II,
KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PATTEESWARAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, THIRUVIDAMARUTHUR, KUMBAKONAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15392 of 2021
Date :07/10/2021

MSA
MK/SKN/SAR.III/07.10.2021/3P/6C