



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15900 of 2021

1.S.Vimal
2.R.Shanmugasundaram ... Petitioners/Accused Nos.2 &3

Vs

The State rep.by,
The Inspector of Police,
Pettai Police Station
Tirunelveli City
Tirunelveli District
In Crime No.298 of 2021. ... Respondent/Complainant

For Petitioners :Mr.J.Jeyakumaran, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-For Bail in Crime No.298 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested and remanded to judicial custody on 03.09.2021 for the offence under Sections 294 (b), 342, 307 and 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.298 of 2021 on the file of the respondent police, seek bail.

3. The case of the prosecution is that the defacto complainant is the daughter of the second petitioner and sister of the first petitioner herein. Accused No.1 is another son of second petitioner. Since defacto complainant loved and married one Anandaraj, on 03.09.2021, the petitioners joined hands with other accused abused the defacto complainant by using filthy language, assaulted her with knife and caused injuries. Hence, the complaint.

4.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the co-accused has been released on bail by the Court of Sessions and the petitioner are languishing in jail from 03.09.2021 and hence, he seeks for grant of bail.

<https://hccs.courts.mv.in/cases>



5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation in this case is yet to be completed. He would further submit that the injured has been discharged from the hospital and co-accused has already been enlarged on bail by the learned Principal Sessions Judge, Tirunelveli in Cr.M.P.No.6600 of 2021 on 07.10.2021.

6.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, the co-accused has been enlarged on bail and also the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

7.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 Judicial Magistrate No.V, Tirunelveli 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with 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/-

12/10/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PETTAI POLICE STATION
TIRUNELVELI CITY
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15900 of 2021
Date :12/10/2021

MSA
MK/VR/SAR.II/12.10.2021/3P/6C