



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.15979 of 2021

1.Raja @ Rajarathinam
2.Kuttimani @ Manikandan :Petitioners/Accused 1 & 2

Vs

The State Rep.by
The Inspector of Police,
Somarasampet Police Station,
Trichy.
(Crime No.719 of 2021).

... Respondent/Complainant

For Petitioners : Mr.D.S.Haroon Rasheed, Advocate

For Respondent : Mr.Antony Sahaya Prabhakar
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.719 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused 1 and 2, who were arrested on 14.09.2021 in connection with Cr.No.719 of 2021, for the offences punishable under Sections 147, 148, 294(b), 307 and 506 (ii) IPC, seek bail.

2.The case of the prosecution is that due to the wordy quarrel between the petitioners and the de-facto complainant, the petitioners and others have attacked the de-facto complainant and others. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would also submit that petitioners are in jail from 14.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case is pending against the petitioners and all the three injured were also discharged from the



5. Taking into consideration the facts and circumstances of the case that except Sections 307 and 506(ii) I.P.C, all other offences are bailable in nature and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners.

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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-V, Trichy, 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 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioner 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 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

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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.V,
TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
SOMARASAMPET POLICE STATION,
TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.15979 of 2021
Date :12/10/2021

CMR/MM
MS/VR/SAR-2/12.10.2021/3P.6C