



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17.11.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16653 of 2021

1.Raja
2.Balamurugan
3.Narayanan

... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.
Crime No.565 of 2021

... Respondent/Complainant

For petitioners : Mr.T.LENIN KUMAR, Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.565 of 2021 on the file of the respondent police.

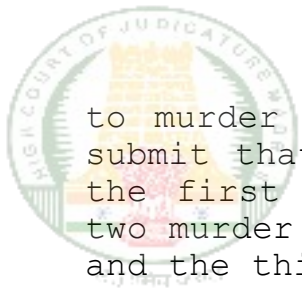
ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 14.10.2021 for the offences punishable under Sections 294(b), 506(ii) IPC and Section 25(1-B) (a) of Indian Arms Act, 1959 in Crime No.565 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is running a chicken shop at Thirukkattupalli Market. In the year 2015, the de-facto complainant's brother Panchabikesan was hacked to death by 17 persons and the accused were threatening the de-facto complainant continuously. On 14.10.2021, the petitioners armed with aruval, chased the complainant and abused him in filthy language.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 14.10.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor for the respondent police would submit that the petitioners are said to have attempted



to murder the de-facto complainant with aruval. He would further submit that the petitioners 1 and 2 are the history sheeted rowdy, the first petitioner is having six previous cases, which includes two murder cases, the second petitioner is having two previous cases and the third petitioner is having one previous case.

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5.Considering the above and also the fact that the first petitioner is having six previous cases, which includes two murder cases, this Court is not inclined to grant bail to the first petitioner. Hence, this petition is dismissed as against the first petitioner.

6.However, considering the nature of the charges levelled against the petitioners 2 and 3 and also the facts that except previous murder case of the year 2015, they are not having any other previous case for serious offence and that the petitioners 2 and 3 are in judicial custody from 14.10.2021, this Court is inclined to grant bail to the petitioners 2 and 3 .

7.Accordingly, the petitioners 2 and 3 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, Thiruvaiyaru.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioners 2 and 3 shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation;

iii)the petitioners 2 and 3 shall not tamper with evidence or witness.

iv) the petitioners 2 and 3 shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/11/2021

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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
THIRUVAIYARU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE
SUB JAIL, THANJAVUR.
- 4 THE INSPECTOR OF POLICE,
THIRUKKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16653 of 2021

Date :17/11/2021

SA/PN/SAR.2/17.11.2021/3P/6C