



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

Date : 09/11/2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.17294 of 2021

1. Pugazhendhi
2. Senthamilselvan ... Petitioners/Accused No.1 and 4

Vs

The State Rep.by
The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.
(Crime No.901 of 2021) ... Respondent/Complainant

For Petitioners: Mr.B.Prahalad Ravi,
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.901 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A4 herein, who were arrested on 16.10.2021 for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 506(ii) and 307 of IPC r/w Section 4 of TNPHW Act in Crime No.901 of 2021 in Crime No.901 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 15.10.2021, when the de-facto complainant was travelling in the motorcycle along with her uncle's son and her sister's son, the petitioners and other accused persons waylaid the de-facto complainant, assaulted them with wooden log and also abused her in filthy language. Thereby, the de-facto complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a counter case has been registered in Crime No.902 of 2021 against the de-facto complainant and others. He would further submit that the petitioners are in judicial custody from 16.10.2021. Hence, they



4.The learned Additional Public Prosecutor would submit that on 15.10.2021, while the de-facto complainant was travelling in the motorcycle with her relatives from Nachiyarkovil to Pandanallur, the petitioners and other accused persons waylaid the de-facto complainant, attacked them with wooden log. He would also submit that the injured was already discharged from the hospital and that it is a case and counter case and the counter case has been registered in Crime No.902 of 2021 as against the de-facto complainant and others.

5.Considering the facts that there existed previous enmity between the parties, that the injured was already discharged from the hospital, that the counter case in crime No.902 of 2021 is pending against the de-facto complainant and others, that except the offence under Sections 506(ii) and 307 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all others offences are bailable in nature and also the fact that the petitioners are in judicial custody from 16.10.2021, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on his 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 District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur District, 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 one month 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/11/2021

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.17294 of 2021
Date :09/11/2021

SJI
MS/PN/SAR-4/09.11.2021/3P.6C