



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19.11.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17309 of 2021

1.S.Surendhar
2.S.Subash

... Petitioners/Accused Nos.1 & 2

The State rep.by
The Inspector of Police,
Thuraiyur Police Station,
Tiruchirappalli District.
Crime No.536/2021

... Respondent/Complainant

For Petitioners : Mr.D.SHANMUGARAJA SETHUPATHI
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.536 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 20.09.2021 for the offences punishable under Sections 294(b), 323 and 506(i) IPC @ 302 IPC in Crime No.536 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the deceased, namely, Thangapandi was doing business in a rental shop belongs to one Balu. On 08.09.2021, when the petitioners had quarreled with the said Balu, at that time, the deceased intervened and in the result of altercation, the petitioners had pushed the deceased from the terrace of the building and the deceased had sustained injury. Hence, the complaint.

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 20.09.2021. Hence, he seek bail.

4.The learned Additional Public Prosecutor would submit that the investigation is almost completed and the viscera report is not



yet received. He would fairly concede that the petitioners are not having any previous case.

5.It is evident that originally the First Information Report came to be registered for the offences punishable under Sections 294(b), 323 and 506(i) IPC and thereafter, the husband of the de-facto complainant has succumbed to the injury, the case was altered to 302 IPC on 19.09.2021.

6.Considering the nature of the charges levelled against the petitioners and also the facts that the injured was already discharged from the hospital, that the petitioners are in judicial custody from 20.09.2021, that the investigation is almost completed except the receipt of the viscera report and that the petitioners are not having any previous case for similar offence or serious offence, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7.Accordingly, 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, Thuraiyur, Tiruchirappalli District.

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 shall report before the respondent police daily at 10.30 a.m., until further orders;

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

iv) the petitioners 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 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].

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

sd/-

19/11/2021

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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



TO

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

+1. CC to M/S.SHANMUGARAJA SETHUPATHI.D, Advocate SR.No.8311

ORDER

IN

CRL OP(MD) No.17309 of 2021

Date :19/11/2021

SA/PN/SAR.4/19.11.2021/3P/7C