



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.11.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17460 of 2021

1.Pattuvel
2.Patturaja

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai,
Tirunelveli District.
Crime No.439 of 2021

... Respondent/Complainant

For Petitioners : Mr.N.PRAGALATHAN
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.439 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Sole Accused, who was arrested and remanded to judicial custody on 21.10.2021 for the offences punishable under Sections 294(b), 427 and 506(ii) IPC and Section 3 of the Explosive Substances Act, 1908 in Crime No.439 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to political enmity between the petitioners and the de-facto complainant, the petitioners are said to have damaged the door of the de-facto complainant's house by using petrol bomb. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and that they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 21.10.2021. However, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor for the respondent police would submit that the petitioners are having no previous case and that no one was injured in the occurrence.

5.Considering the facts that there existed political dispute between the parties, that no one was injured in the occurrence, that except the offence under Sections 506(ii) IPC and 3 of the Explosive Substances Act, all other offences are bailable in nature, that the petitioners are in judicial custody from 21.10.2021 and also the fact that the petitioners are not having any previous case for similar or serious offence, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.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 Court, Radhapuram, Tirunelveli 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 pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** as non- refundable deposit to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172). The petitioners shall execute the sureties on showing the receipt of the said amount.

iii) 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;

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

v) the petitioners shall not abscond during trial.

vi)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].

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

sd/-

18/11/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE
RADHAPURAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
THISAYANVILAI,
TIRUNELVELI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB-JAIL, NANGUNERI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S.PRAGALATHAN.N, Advocate SR.No.8260

ORDER

IN

CRL OP(MD) No.17460 of 2021

Date :18/11/2021

SA/VR/SAR.3/18.11.2021/3P/8C