



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.17598 of 2021

1.Dinesh @ Anil

2.Sankar @ Chella

... Petitioners/Accused No.2 & 5

Vs

The State rep.by,
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
In Crime No.735 of 2021.

... Respondent/Complainant

For Petitioners : Mr.R.L.Dhilipan Pandian
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.735 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A5, who were arrested and remanded to judicial custody on 03.10.2021 for the offences punishable under Sections 294(b), 307 and 392 IPC @ 147, 148, 294(b), 392 and 307 IPC in Crime No.735 of 2021 on the file of the respondent police, seek bail.

2.The allegation against the petitioners is that the petitioners and other accused assaulted the deceased with aruval and knife and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners' name does not find place in the First Information Report. But subsequently, they have been falsely implicated, based upon on the confession statement alleged to have given by the co-accused. He would further submit that the petitioners are innocents and they are in judicial custody from 03.10.2021. Hence, he seek



4.The learned Additional Public Prosecutor for the respondent police would submit that as per the First Information Report, the petitioners' presence was not shown. But subsequently, after investigation, they were implicated based upon the confession statement of the co-accused. He would further submit that the injured was already discharged from the hospital.

5.Considering the nature of the charges levelled against the petitioners and also the facts that the injured was already discharged from the hospital and that the petitioners are in judicial custody from 03.10.2021, 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 No.II, Thanjavur 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 stay at Thanjavur and report before the respondent police daily at 10.30 a.m., until further orders;

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/-

19/11/2021

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

ORDER
IN
CRL OP(MD) No.17598 of 2021
Date :19/11/2021

sj i
MK/PN/SAR.IV/19.11.2021/3P/6C