



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17718 of 2021

1. Raja @ Rajarathinam  
2. Mani @ Kuttimani @ Manikandan ... Petitioners/Accused No.1 & 3  
Vs

The State rep.by,  
The Inspector of Police,  
Ramji Nagar Police Station, Trichy.  
Crime No.309 of 2021. ... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,  
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.309 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who were arrested and remanded to judicial custody on 07.10.2021 for the offence punishable under Sections 147, 148, 448, 294(b), 427 and 506(ii) IPC, in Crime No.309 of 2021, on the file respondent police, seek bail.

2.The case of the prosecution is that due to some motive between the parties, the petitioners trespassed into the defacto complainant's house and threatened him with dire consequences and also damaged the car glass, doors and windows. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would also submit that two cases were registered against the petitioner, one in Crime No.719 of 2021 on the file of the Somarasapettai Police Station and he was arrested on 16.09.2021 and the second case in Crime No.309 of 2021 on the file of the Ramji Nagar Police Station was registered on 16.09.2021, but formal arrest with respect to the second case was made only on



4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to some motive between the parties, the petitioners trespassed into the defacto complainant's house and threatened him with dire consequences and also damaged the car glass, doors and windows.

5.Considering nature of the charges levelled against the petitioners and also the fact that the petitioners are in Judicial custody from 07.10.2021 so far as this case is concerned, that no one was injured in this case and that except the offence under Section 506(ii) IPC., other offences are bailable in nature, this Court is inclined to grant bail to the petitioners with certain 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.III, Trichy and on further conditions that;

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 for a period of one month, thereafter, as and when required.

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 petitioner 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].

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

sd/-  
15/11/2021

/ 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 JUDICIAL MAGISTRATE NO.III  
TRICHY
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE  
RAMJI NAGAR POLICE STATION, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.17718 of 2021  
Date :15/11/2021

DAS  
MK/PN/SAR.IV/15.11.2021/3P/6C