



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.1491 & 1838 of 2022

WEB COPY

1. Sethumani @ Mani
2. Karthikeyan @ Karthi

... Petitioners/Accused Nos.1 & 2 in
Crl.OP(MD)No.1491 of 2022

Selvakumar

... Petitioner/Accused No.3 in
Crl.OP(MD)No.1838 of 2022

Vs

State Rep.by
The Inpsector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
Cr.No.13 of 2022.

... Respondent/Complainant
in both Crl.OP's

For Petitioner : M/s. Haroon Rasheed.D.S.,
(in Crl.OP(MD)No.1491 of 2022) Advocate.

For Petitioner : M/s.Yasar Arafath.K.,
(in Crl.OP(MD)No.1838 of 2022) Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
(in both Crl.OP's) Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

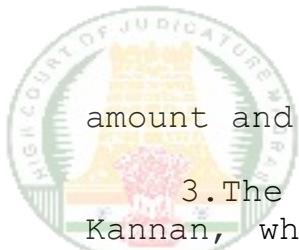
COMMON PRAYER :-

For Bail in Crime No.13 of 2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested on 10.01.2022 for the alleged offence under Sections 392, 397, 506(ii) IPC in Crime No.13 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 08.01.2022, when the de-facto complainant after getting loan of Rs.10,000/- from Mudukulathur Commission shop, came towards Kadaladi junction, and at that time all the accused persons starred the defacto complainant and threatened to give the amount. He refused to give the amount and at that time, the accused persons threatened him and robbed the said



amount and his bike key. Hence, the complaint.

3.The learned counsel for the petitioners submitted that one Kannan, who is the relative of the *defacto* complainant and others had attacked the first petitioner on his eyes. The first petitioner lodged a complaint, based on which, FIR came to be registered in Cr.No.290 of 2021, on the file of Rameshwaram Town Police Station for the offences under Sections 294(b), 326, 506(2)IPC and that the said Kannan was arrested. He further submitted that due to that vengeance, the Kannan lodged the complaint in Cr.No.8 of 2022, for the offences under Sections 147, 148, 341, 294(b), 324, 506(2), 307 IPC and after two days, the *defacto* complainant lodged this case and the same was registered in Cr.No.13 of 2022. He further submitted that in the earlier incident the said Kannan attacked the petitioners and caused serious injuries. The petitioners are in custody from 10.01.2022. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that due to previous motive between the parties, this case was registered against the petitioners, that the petitioners are not having any previous case at their credit and that the investigation is not yet completed.

5.Considering the facts and circumstances of the case and also facts that the injured was discharged from the hospital, that the petitioners are not having any previous case for the property offence or for any serious offence, and that the petitioners are in judicial custody from 10.01.2022, this Court is not inclined to grant bail to the petitioners.

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, Mudukulathur, 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.

<https://hcservices.courts.gov.in/hcservices/> In 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/-

07/02/2022

/ TRUE COPY /

08/02/2022

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, MUDUKULATHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MUDUKULATHUR.
- 3 THE OFFICER INCHARGE, SUB JAIL, MUDUKULATHUR.
- 4 THE INPSECTOR OF POLICE, MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1491 & 1838 of 2022

Date :07/02/2022

RS/VR/SAR.4 (08.02.2022) 3P-6C