



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.1496, 2226 & 2229 of 2022

Selvakumar

... Petitioner/Accused No.4
in Crl.OP(MD)No.1496 of 2022

Sethumani @ Mani

... Petitioner/Accused No.1
in Crl.OP(MD)No.2226 of 2022

Karthikeyan @ Karthi

... Petitioner/Accused No.2
in Crl.OP(MD)No.2229 of 2022

Vs

The State rep.by,
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.8/2022)

... Respondent/Complainant
in all the petitions

For Petitioner : Mr.K.Yasar Arafath,
Advocate.(In Crl.OP(MD)No.1496 of 2022)

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.(Crl.OP(MD)No.2226 & 2229 of 2022)

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
in all the petitions

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

COMMON PRAYER :-For Bail in Crime No.8/2022 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 147, 148, 341, 294(b), 324, 506 (2), 307 IPC in Crime No.8 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous motive,
<https://hcservicesecourtsgo2022/07.30PM>, the accused persons assaulted the de-facto



complainant brutally by using aruval and abused him in filthy language and criminally threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that on earlier occasion, the *defacto* complainant assaulted the first accused on his eyes. The mother of the first accused 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 *defacto* complainant was arrested. He further submitted that due to that vengeance, this case has been registered against the petitioners. After two days, one Sarankumar, who is the relative of Kannan, lodged a complaint and the same was registered in Cr.No.13 of 2022 under Sections 392, 397 and 506(ii) IPC. He further submitted that the petitioners are not having any previous case at their credit. The petitioner 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 the 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.

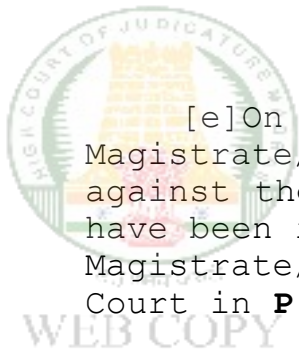
6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Mudukulathur, and on further condition that:

[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.



[e]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 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

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/ /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
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, MUDUKULATHUR.
- 4 THE INSPECTOR 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.1496, 2226 &
2229 of 2022

Date :07/02/2022

PNM

MK/VR/SAR.IV/08.02.2022/3P/6C