



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.02.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1762 of 2022

1. Mahendran

2. Gandhan @ Vijajan

... Petitioners/ Accused Nos.1 & 2

Vs

The State represented by its
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(Crime No.09 of 2022)

... Respondent/Complainant

For Petitioners : Mr.B.Senthilkumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.9 of 2022 on the file of the Respondent police.

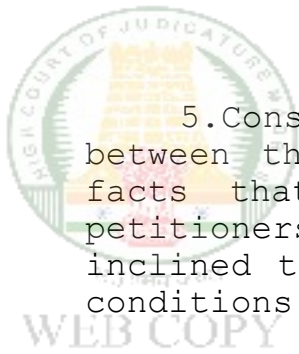
ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 15.01.2022 for the offences punishable under Sections 195 (A), 294(b) and 506(ii) IPC, in Crime No.9 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 14.01.2022 at night hours, the petitioners went into the defacto complainant's house and abused him in filthy language and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that no one was injured in the incident.



5.Considering the facts that there existed previous enmity between the defacto complainant and the petitioners and also the facts that no one was injured in the incident and that the petitioners are in judicial custody from 15.01.2022, 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 District Munsif cum Judicial Magistrate, Rameswaram.

(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 for a period of thirty (30) days and thereafter, as and when required for interrogation.

(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 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].

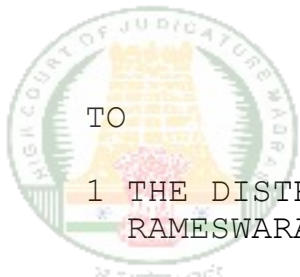
(vi)If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/02/2022

/ TRUE COPY /

/ /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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESWARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
MANDAPAM POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1762 of 2022
Date :08/02/2022

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