



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2639 of 2022

1. Navesh @ Navasgan
2. Matheshwaran @ Padaiyappa
3. Ramesh
4. Praveenkumar @ Surya
5. Samuthirapandiyan @ Thannasi
6. Saravanan

... Petitioners/1 TO 5 &
7TH Accused

Vs

State rep.by
The Inspector of Police,
Vengamedu Police Station,
Karur District.
(Crime No.4 of 2022).

... Respondent/Complainant

For Petitioners: M/s.J.Senthil Kumaraiah, Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.4 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested on 05.01.2022 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 427, 506(ii) and 307 IPC in Crime No.4 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the on 03.01.2022 at about 09.25PM, in the Bhagavathi Ammal temple festival due to sudden quarrel between the petitioners and the defacto complainant, the first accused assaulted the defacto complainant on his head with



aruvai and other petitioners also assaulted him and all the petitioners caused damages to some bikes, which were standing near the temple. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any such offence as alleged by the prosecution, that the injured was discharged from the hospital and that the petitioners are not having any previous case at their credit. The petitioners are in custody from 05.01.2022. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital, that the petitioners are not having any previous case and that the investigation is not yet completed.

5. Considering the facts and circumstances of the case and also the facts that there was quarrel at temple festival, that the injured was discharged from the hospital, that the petitioners are not having any previous case and that the petitioners are in judicial custody from 05.01.2022, 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 No.I, Karur, 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 pay a sum of Rs.1,000/- (Rupees one thousand only) each, as non refundable amount to the account of Tamil Nadu Chief Minister's Public Relief Fund. The petitioners shall execute the sureties on showing the receipt of the said amount.

[c] 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.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

09/02/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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.I,
KARUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION,
KARUR DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI.

+1. CC to M/S.SENTHIL KUMARAIAH J Advocate SR.No.912

ORDER

IN

CRL OP(MD) No.2639 of 2022

Date :09/02/2022