



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.2810 of 2022

1. Udhaya,

2. Selvakumar, ... Petitioners/Accused Nos. 3 & 4

Vs

The State Rep. by,
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Cr.No. 561 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Muniyandi, Advocate.

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

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

PRAYER :-

For Bail in Crime No.561 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused who were arrested and remanded to judicial custody on 19.12.2021 for the offences punishable under Sections 147, 148, 294(b), 324 and 307 IPC and Section 25(1A) of ARMS Act, in Crime No.561 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous dispute, a wordy quarrel arose between the petitioners and the de-facto complainant, as a result of which, the petitioners abused the defacto complainant in filthy language and also attacked him with deadly weapons and caused grievous injuries to him. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent person and not committed any offence as alleged by the prosecution. He would further submit that the fifth & sixth accused were already granted bail by this Court.

4.The learned Additional Public Prosecutor would submit that the petitioners are not having any previous cases.

5.Considering the facts that there existed previous enmity between the *defacto* complainant and the petitioners and also the facts that the fifth sixth accused were already granted bail by this Court in Crl.O.P.(MD)Nos. 2625 & 1827 of 2022 and that the petitioners are not having any previous cases for similar or serious offence, 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 his 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.II, Sivakasi.

[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.

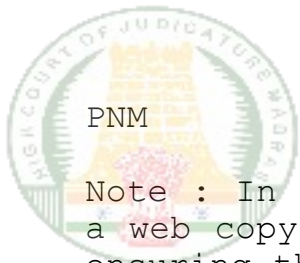
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
09/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
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.II,
SIVAKASI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2810 of 2022
Date :09/02/2022

PKP/SBN/SAR-3/10.02.2022/3P/6C