



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5867 of 2022

1. Siva
2. Thonthi
3. Petchiammal
4. Mahalakshmi
5. Irulammal

... Petitioners/Accused 4 to 8

Vs

The State rep.by,
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District
(Crime No.12 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Balaji,
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.12 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 to A8, who were arrested and remanded to judicial custody on 14.02.2022 for the offences punishable under Sections 147, 148, 294(b), 324, 323, 307, 427 and 506(ii) IPC r/w Section 4 of TNPWH Act @ 147, 148, 294(b), 324, 323, 302, 427 and 506(ii) IPC r/w Section 4 of TNPWH Act in Crime No.12 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the daughter of the first accused eloped with the de-facto complainant's elder brother's son. Due to that enmity, the petitioner and other accused attacked the de-facto complainant and his family members and also caused grievous head injury to the de-facto complainant's father. As a result, he succumbed to the injury on 13.02.2022. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 14.02.2022 and that the petitioners are not having any previous case.

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4.The learned Additional Public Prosecutor for the respondent police would submit that the daughter of the first accused eloped with the de-facto complainant's elder brother's son, due to which, the petitioner and other accused attacked the de-facto complainant and his family members and also caused grievous head injury to the father of the de-facto complainant. He would further submit that the occurrence was held on 26.01.2022 and subsequently, the father of the de-facto complainant succumbed to the injury on 13.02.2022.

5.Considering the above facts and circumstances of the case and also taking note of the fact that the petitioners are in judicial custody from 14.02.2022 and also the fact that the petitioners are not having any bad antecedents, 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 Judicial Magistrate No.I, Usilampatti, Madurai District.

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 daily at 10.30 a.m until further orders.

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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/03/2022

/ TRUE COPY /

30/03/2022

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 NO.I,
USILAMPATTI, MADURAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN PRISON), MADURAI.

5 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION, MADURAI DISTRICT

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

+1 CC to Mr.S.BALAJI, Advocate (SR-2676[I] dated 30/03/2022)

ORDER
IN
CRL OP(MD) No.5867 of 2022
Date :30/03/2022

SJI
MK/VR/SAR.I/30.03.2022/3P/8C