



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/05/2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.6831 of 2022

1.Jeyapal @ Sundarapandi
2.Kathiravan @ Hanifa

... Petitioners/Accused 2&6

Vs

The State Rep. By,
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No.91 of 2018.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

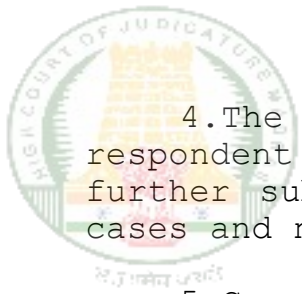
For Bail in Crime No.91 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.2 and 6, who was arrested and remanded judicial custody on 15.09.2021 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 336 & 307 of IPC, in Crime No.91 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners attacked the defacto complainant and caused injuries to him. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case.



4.The learned Additional Public Prosecutor appearing for the respondent submits that the investigation is almost completed. He further submits that the first petitioner is having four previous cases and no previous case is pending against the second petitioner.

5.Considering the bad antecedents of the first petitioner, this Court is not inclined to grant bail to him and this Criminal Original Petition is dismissed as far as the first petitioner.

6.considering the nature of charges levelled against the second petitioner and also the fact that the second petitioner is not having any previous cases, this Court is inclined to grant bail to the second petitioner.

7.Accordingly, the second petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Thiruvadanai.

(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 second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation;

(iii)the second petitioner shall not tamper with evidence or witness;

(iv)the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]***.

sd/-
19/05/2022

/ TRUE COPY /

19/05/2022
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,
THIRUVADANAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6831 of 2022
Date :19/05/2022

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USK/JM/SAR-III/19.05.2022/3P/6C