



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7158 of 2022

1. Gokul @ Gokul Kumar
2. Ganeshpandi
3. Kaleeswaran

... Petitioners/Accused 5,7,8

Vs

State Rep.by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.92 of 2022)

... Respondent/Complainant

For Petitioners : Mr.M.Jothi Basu,
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.92 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.5, A.7 & A.8, who were arrested and remanded to judicial custody on 16.03.2022 for the offences punishable under Sections 147, 148, 342, 294(b), 323 and 307 IPC and Section 25(1)(a) of Arms Act, in Crime No.92 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the petitioners along with other accused and the defacto complainant along with his friends went to the same place to consume liquor, there was a wordy quarrel between them, due to that, the petitioners and other accused attacked the defacto complainant and his friends with knife and hands. 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.

4.The learned Additional Public Prosecutor would submit that the injured was already discharged from the hospital. He would further submit that the second petitioner/seventh accused is having one previous case for the offence under Section 294(b) IPC.

5.Considering the above facts and circumstances and also the facts that the injured was already discharged from the hospital, that except the offences under Sections 307 IPC and 25(1)(a) of Arms Act, all other offences are bailable in nature and that the petitioners are not having any previous cases for similar offence or serious offence and also taking note of the fact that the petitioners are in judicial custody from 16.03.2022, this Court is inclined to grant bail to the petitioners with certain 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 Court No.I, Sivakasi.

(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., for a period of one month 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/-

19/04/2022

/ TRUE COPY /

19/04/2022

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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-3495[I] dated
19/04/2022)

ORDER
IN
CRL OP(MD) No.7158 of 2022
Date :19/04/2022

RS/PN/SAR.3 (19.04.2022) 3P-7C