



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7308 of 2022

1. Satheeskumar
2. Karuppasamy
3. Abinesh

... Petitioners/Accused No.3 to 5

Vs

The State rep.by,
The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.91/2022).

... Respondent/Complainant

For Petitioner : Mr.M.Ramkumar,
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.91 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who were arrested and remanded to judicial custody on 15.03.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 342 and 506(ii) IPC r/w Section 25 (1)(a) of Arms Act in Crime No.91 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 13.03.2022 at about 07.00 p.m., when the de-facto complainant and his friends were consuming liquor under the water tank near Janakiammal Hospital, the petitioner and other accused came there for consuming liquor, abused the de-complainant in filthy language, attacked him with hands and threatened to kill him by showing aruval. 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 counter case is also pending against the de-facto complainant and party.

4.The learned Additional Public Prosecutor for the respondent police would submit that the injured was discharged from the hospital and that the second petitioner is having one previous case.

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 15.03.2022, that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC and Section 25(1)(a) of Arms Act, all other offences are bailable in nature and also the fact that the petitioners are not having any previous case 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 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.1, 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 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/-

20/04/2022

/ TRUE COPY /

20/04/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to Mr.M.RAMKUMAR, Advocate (SR-3595[I] dated 20/04/2022)

ORDER

IN

CRL OP(MD) No.7308 of 2022

Date :20/04/2022

SJI

MK/PN/SAR.IV/20.04.2022/3P/7C