



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

Date : 14.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10506 of 2022

WEB COPY

1. Chandru @ Mersal Chandru
2. Nagaraj @ Nagarajan
3. Suriya @ Suriyakumar
4. Vijay

... Petitioners/Accused 5,8 to 10

Vs

State Rep.by
The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
(Crime No.95 of 2022)

... Respondent/Complainant

For Petitioners : Mr.D.Venkatesh, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side).

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

PRAYER :-

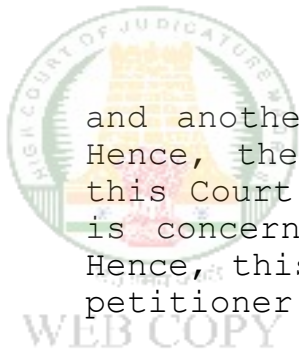
For Bail in Crime No.95 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.5, A.8 to A.10, who were arrested and remanded to judicial custody on 16.05.2022 for the offences punishable under Sections 120-B and 399 IPC, in Crime No.95 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 16.05.2022, the respondent police went for usual patrolling near Ayyanar Koil junction and at that time, on seeing the police party, the petitioners tried to escape from that place, but the respondent police caught hold of them and they made a confession stating that they wanted to take revenge for the murder of their friend that took place in the year 2019 and in order to meet out the expenses, they decided to commit dacoity from the people, who are visiting palani temple.

3.When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) would submit that the first petitioner is having 2 previous cases, that the petitioners 2 and 3 are having 1 previous case each and that the fourth petitioner is having 3 previous cases including one case for the similar offence



and another case for the offence under Sections 395 and 397 IPC. Hence, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition as far as the fourth petitioner is concerned and he has also made an endorsement to that effect. Hence, this petition is dismissed as withdrawn as against the fourth petitioner concerned.

4.The learned counsel for the petitioners would submit that the petitioners 1 to 3 are innocent and they have not committed any offence as alleged by the prosecution.

5.Considering the nature of the charges levelled against the petitioners 1 to 3 and also the facts that the petitioners 1 to 3 are in judicial custody from 16.05.2022 and that the petitioners 1 to 3 are not having any previous cases for similar offence or property offence, this Court is inclined to grant bail to the petitioners 1 to 3 with certain conditions.

6.Accordingly, the petitioners 1 to 3 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, Palani.

(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 1 to 3 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 1 to 3 shall not tamper with evidence or witness;

(iv)the petitioners 1 to 3 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 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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/-
14/06/2022

/ TRUE COPY /

14/06/2022
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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, PALANI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE, PALANI ADIVARAM POLICE STATION,
DINDIGUL DISTRICT.
 - 4 THE OFFICER INCHARGE, SUB JAIL, PALANI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 C.C. TO M/S.D.VENKATESH, ADVOCATE S.R.NO.5546.

ORDER
IN
CRL OP(MD) No.10506 of 2022
Date :14/06/2022

RS/PN/SAR.3 (14.06.2022) 3P-7C