



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 29.09.2022
Pronounced on : 30.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.17279 of 2022

WEB COPY

1.A.Mathan @ Manmohan
2.P.Sankar

... Petitioners/Accused No.1 & 3

Vs

State Rep.by
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
Crime No.108 of 2022.

... Respondent/Complainant

For Petitioners : M/s.PRICILLA PANDIAN.J, 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.108 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who were arrested and remanded to judicial custody on 18.07.2022 for the offences punishable under Sections 147, 148, 294(b), 448, 323, 302 of IPC and section 4 of TNPHW Act, in Crime No.108 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on the date of occurrence due to previous enmity, the petitioners along with other accused unlawfully assembled in front of the house of the defacto complainant quarrelled with him and assaulted him with hands and also kicked him with legs. The injured was taken to hospital, where he was declared dead. Hence, the complaint.

3.On the side of the petitioners, it is stated that due to previous enmity a false case has been foisted against the petitioners. The father of A3 gifted 4 cents of land to the husband of the defacto complainant, that land was sold by him. Due to that dispute, a false case was foisted against the petitioner. The father of the defacto complainant was not at all present in the scene of occurrence, he was a heart patient and he died of heart attack. There was no external or internal injuries to the deceased. No weapon was used. He would further submit that the petitioners



voluntarily surrendered before the learned Judicial Magistrate, Villupuram and they are in custody from 18.07.2022 and prayed the petitioners to be released on bail.

4. On the side of the prosecution, it is stated that there are totally five accused involved in this case and the petitioners herein are A1 and A3. Due to land dispute, the petitioners attacked the defacto complainant and her father with hands and legs. The petitioners surrendered before the Judicial Magistrate, Villupuram, on 18.07.2022 and the other accused /A2, A4 and A5 are still absconding.

5. Considering the nature of the case and also considering the fact that no grievous weapon was used in the occurrence and considering the period of incarceration and also considering the fact that major portion of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on their executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvadanai, and on further conditions that:

(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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

30/09/2022

/ TRUE COPY /

30/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE, THIRUVADANAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, S.P PATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.J.PRICILLA PANDIAN, Advocate (SR-10842[I] dated
30/09/2022)

ORDER

IN

CRL OP(MD) No.17279 of 2022

Date :30/09/2022

LS

RS/VR/SAR.2(30.09.2022) 3P-7C