



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

Date : 26/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17153 of 2022

WEB COPY

- | | |
|---------------------------------|--------------------------|
| 1. Prakash @ Thakkali Prakash | ... Petitioner/Accused 1 |
| 2. Bypass Saravanan @ Saravanan | ... Petitioner/Accused 3 |
| 3. Palti Bala @ Bala Murugan | ... Petitioner/Accused 5 |

Vs

The State rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.560/2022)

... Respondent/Complainant

For Petitioners : M/s.DURAIPANDIAN.K.S., Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

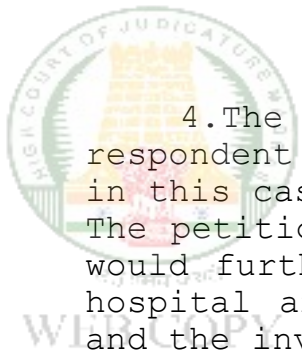
PRAYER :- For Bail in Crime No.560/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1, 3 and 5, who were arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 147, 148, 294(b), 386 and 506(2) of IPC in Crime No.560 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, the accused have snatched a sum of Rs.400/- from the defacto complainant and also attacked him with aruval and caused injuries to him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to previous enmity, the present complaint has been lodged against the petitioners and they did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that the co-accused has already been released on bail and the petitioner is in judicial custody from 24.08.2022.



4. The learned Additional Public Prosecutor appearing before the respondent police would submit that totally there are nine accused in this case. The petitioners are arrayed as Accused Nos. 1, 3 and 5. The petitioners are having some previous cases in their credit. He would further submit that the injured has been discharged from the hospital and four witnesses have been examined in this case so far and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No. II, Kumbakonam.

(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 first petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m. until further orders and the petitioners 2 and 3 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/-

26/09/2022

/ TRUE COPY /

27/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17153 of 2022

Date :26/09/2022

CP

SA/GB/SAR.2/27.09.2022/3P/6C