



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17932 of 2022

1. Venkatesan
2. Ponserman
3. Seenivasan

... Petitioner/Accused

Vs

State Rep.by
The Sub Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District
(Crime No.424 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Karunanithi, Advocate
for M/s.Karthikeyavenkitachalapathi,
Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

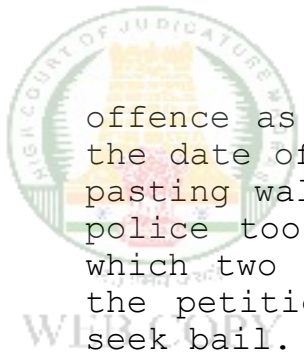
For Bail in Crime No.424 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A3,4 and 6, who were arrested and remanded judicial custody on 18.09.2022 for the offences punishable under Sections 147, 148, 341, 294(b),332,353,307 and 506(2) of IPC in Crime No.424 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 18.09.2022 the petitioners along with other accused unlawfully assembled and restrained the defacto complainant, abused him in filthy language and also attacked him iron road and thereby prevented him from discharging his duty. Hence the case came to be registered.

3.The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any



offence as alleged by the prosecution. He further submits on the date of occurrence the petitioners along with other accused were pasting wall poster in the locality and at that time the respondent police took away all the poster and attacked the petitioners in which two persons sustained injuries. He would further submit that the petitioners are in judicial custody from 18.09.2022, hence he seek bail.

4.The learned Additional Public Prosecutor would submit that some of the accused are having previous cases. He would also submit that some of the police officers sustained injuries in the said occurrence and they are still taking treatment.

5.Though it is stated by the respondent that some of the police officers who are injured in the occurrence is still taking treatment, no proof has been produced by them to substantiate the same. Taking into consideration the facts and circumstances of the case and also considering the fact that the investigation is almost completed and also taking into consideration the period of incarceration, 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 No.I, Kovilpatti.

(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 stay at Karur and report before the learned Judicial Magistrate No.I, Karur daily at 10.30 a.m., for a period of eight weeks 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]**.

sd/-

06/10/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE JUDICIAL MAGISTRATE NO.I, KARUR.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

5 THE OFFICER INCHARGE, DISTRICT PRISON, THOOTHUKUDI.

6 THE SUB INSPECTOR OF POLICE, KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/s.KARTHIKEYAVENKITACHALAPATHI, Advocate. SR.No.10951

ORDER

IN

CRL OP(MD) No.17932 of 2022

Date :06/10/2022

AAV

RS/SVR/SAR.4(06.10.2022) 3P-9C