



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

Date : 07/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.19195 of 2022

1. K.Sankarapandi
2. K.Selvakumar

... Petitioners/Accused No.1 & 2

Vs

The State Rep. By,
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli.
Crime No. 200/2022.

... Respondent/Complainant

For Petitioners : M/s.Suresh Manickam.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.200 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 15.10.2022 for the offences punishable under Sections 448, 427, 294(b), 324, 307 and 506(ii) of IPC, in crime No.200 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 14.10.2022, due to previous enmity, the petitioners trespassed into the house of the defacto complainant, assaulted him with iron rod and abused him in filthy language. They have also damaged the mirror of the Car worth about Rs.5,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 15.10.2022 and the petitioners shall abide any condition imposed by this Court. Hence, they may be granted bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that injured has been discharged from the hospital. He would further submit that in this case, till now, nine witnesses have been examined and the investigation is not yet completed. Hence, he opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that injured has already been discharged from the hospital and nine official witnesses have been examined, this Court is inclined to grant bail to the petitioners on certain 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.III, Tirunelveli.

(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].

sd/-
07/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

<https://www.mhc.tn.gov.in/judis>



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION,
TIRUNELVELI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19195 of 2022
Date :07/11/2022

cp
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