



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

Date : 11/11/2022

PRESENT

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

CRL OP(MD). No.19220 of 2022

1. Chandrasekar
2. Kumar @ Kutralakumar ... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.
Crime No.315 of 2022 ... Respondent/Complainant

For Petitioners : M/s.Thirumal.V., Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.315 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 17.10.2022 for the offences punishable under Sections 294(b), 353 and 307 of IPC, in Crime No.315 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 17.10.2022, when the defacto complainant and other police personals were performing vehicle checkup duty at Arunachalapuram to K.M.Atchampatty Road, the petitioners said to have came in a Bolero Car bearing Registration No.TN-33-AE-5170. The defacto complainant has stopped the vehicle driven by the petitioners, at that time, the petitioners said to have scolded the defacto complainant in filthy language and tried to dash the defacto complainant. 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. Further, the petitioners are in judicial custody from 17.10.2022. Hence, they may be granted bail.



4.The learned Government Advocate (crl.side) appearing for the respondent police would submit that the injured person has already been discharged from the hospital. He would further submit that the first petitioner is having 11 previous cases and the second petitioner is having five previous cases and the investigation in this case 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 facts that the injured has already been discharged from the hospital, 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, Tenkasi.

(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 learned Judicial Magistrate, Tenkasi 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/-

11/11/2022

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11/11/2022

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

To

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, SENDHAMARAM POLICE STATION,
TENKASI DISTRICT.



CRL OP(MD). N



22

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

+1 CC to M/s.V.THIRUMAL, Advocate (SR-12892[I] dated 11/11/2022)

WEB COPY

ORDER

IN

CRL OP(MD) No.19220 of 2022

Date :11/11/2022

CP

RS/VR/SAR.(11.11.2022) 3P-7C