



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.19541 of 2022

1. Surya @ Suryaprakash

2. Mahesh @ Maheshwaran

... Petitioners/Accused Nos.1 & 4

Vs

The State rep.by
The Inspector of Police,
Town East Police Station,
Thanjavur,
Thanjavur District.
(Crime No.1458/2022).

... Respondent/Complainant

For petitioners: M/s.Saranya D,
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.1458/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /Accused, who were arrested and remanded to judicial custody on 18.10.2022 for the offences punishable under Sections 341, 294(b), 427, 506(2) IPC and Section 25(1A) of Arms Act, in crime No.1458 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners have threatened the defacto complainant by showing Aruval and also abused him in filthy language and also caused damage to the bike of the defacto complainant worth about Rs.1,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the



petitioners are in judicial custody from 18.10.2022 and her may be granted bail.

4.The learned Government Advocate (Crl. Side) would submit that co-accused viz., A3 has already been released on bail by the Court below. He would further submit that the petitioners are not having any previous case and the investigation of the case is pending and he strongly opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused has already been released on bail and that the petitioner is not having any previous case and also considering the period of incarceration, 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.I, Thanjavur;

(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 appear 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/11/2022

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04/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

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

3 THE OFFICER INCHARGE
SUB JAIL, PAPANASAM.

4 THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.19541 of 2022

Date :04/11/2022

TRP

SA/VR/SAR. /04.11.2022/3P/6C