



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.20810 of 2022

1. Mariyappan @ Anbazhagan

2. R.Chandran

... Petitioners/Accused No.1 & 3

Vs

The State Rep.by
The Inspector of Police,
Somarasampet Police Station,
Somarasampet,
Trichy District.
Cr.No.327/2022.

... Respondent/Complainant

For Petitioner : M/s.Sakthivel R,
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 Cr No.327/2022 on the file of the respondent police.

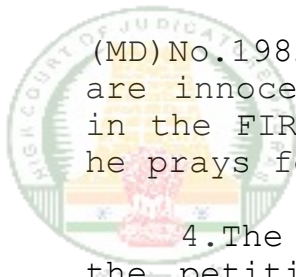
ORDER : The Court made the following order :-

The petitioners/A1 & A3, who were arrested and remanded to judicial custody on 11.10.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 IPC r/w Section 4 of Tamil nadu Prohibition of Harassment of Woman Act, in crime No.327 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 10.10.2022, there was a wordy quarrel between the parties regarding the rash and negligent driving of the two wheeler by the grand son of the de-facto complainant, over which, the petitioners and other accused attacked the de-facto complainant and her family members. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this is the petitioners' second bail application and the earlier application was dismissed by this Court dated 09.11.2022 in Cr1.O.P.

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



(MD)No.19820 of 2022. He would further submit that the petitioners are innocents and they have not committed any offence as mentioned in the FIR and they are in judicial custody from 11.10.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioners' earlier application was dismissed by this Court dated 09.11.2022 in CrI.O.P.(MD)No.19820 of 2022. He would further submit that the injured was discharged from the hospital and no previous case is pending against them. However, considering the gravity of offence, he strongly opposed to grant bail to them.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the injured was already discharged from the hospital and the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners with 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 Additional Mahila Court at Trichy and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Mahila Court/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 Mahila Court/concerned 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 Mahila Court/concerned Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
24/11/2022

/ TRUE COPY /

24/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDGE,
ADDITIONAL MAHILA COURT, TRICHY.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE
SOMARASAMPET POLICE STATION, SOMARASAMPET,
TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20810 of 2022

Date :24/11/2022

SJI

SA/VR/24.11.2022/3P/5C