



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

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PRESENT

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

CRL OP(MD). No.20795 of 2022

1. Rajesh
2. Nithiya

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Viruveedu Police Station,
Dindigul District
(Crime No.216 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Muniyandi 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.216 of 2022 on the file of the Respondent Police.

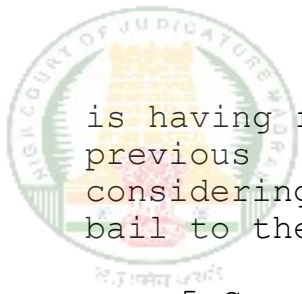
ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 27.10.2022 for the offences punishable under Sections 427, 448, 436, 294(b) and 307 IPC, in crime No.216 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to property dispute between the parties, the petitioners trespassed into the de-facto complainant's house, abused him in filthy language and attacked him with aruval and also caused injuries to him. Hence, the case.

3.The learned counsel for the petitioners would 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 27.10.2022 and hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital. The first petitioner



is having five previous cases and the second petitioner is 1 to 10 previous case. Six witnesses have been examined. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the injured was already discharged from the hospital and six 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, Nilakottai, Dindigul District and on further conditions that:

(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/-

29/11/2022

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29/11/2022

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

To

1 THE JUDICIAL MAGISTRATE, NILAKOTTAI, DINDIGUL DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.

4 THE OFFICER INCHARGE, WOMEN PRISON, NILAKOTTAI, DINDIGUL DISTRICT.

5 THE INSPECTOR OF POLICE, VIRUVEEDU POLICE STATION,

DINDIGUL DISTRICT.

<https://www.mca.gov.in>



CRL OP(MD). N



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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-13881[I] dated 29/11/2022)

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ORDER

IN

CRL OP (MD) No.20795 of 2022

Date :29/11/2022

SJI

RS/SSS/SAR. (29.11.2022) 3P-8C