



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/12/2022



PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

WEB COPY

CRL OP (MD) . No.21675 of 2022

1. Sunu
 2. Sarath @ Sarathkumar
 3. Sanjesh
 4. Anathu
 5. Viswam @ Viswanathan
- ... Petitioners/Accused Nos.3 to 6

Vs

The State Rep.by
The Inspector of Police,
Achanputhur Police Station,
Tirunelveli District
(Crime No.223 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.223 of 2022 on the file of the Respondent Police.

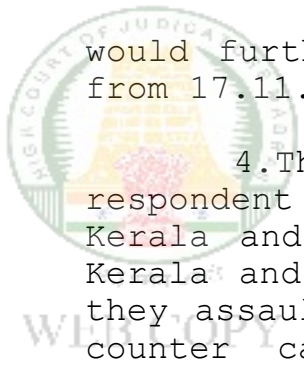
ORDER : The Court made the following order :-

The petitioners/A3 to A6, who were arrested and remanded to judicial custody on 17.11.2022 for the offence punishable under Sections 147, 294(b), 307, 471, 379 and 427 IPC in Crime No.223 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are from the State of Kerala and they had come to the temple at Achankovil. During such time, there was a quarrel between two groups, they assaulted each other, resulting in which, they sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the de-facto complainant is the aggressor and he is the person who has assaulted A1 and due to which, A1 sustained injuries. He would further submit that A1 is now been released on bail and it is a case and case in counter. He

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



would further submit that the petitioners are in judicial custody from 17.11.2022 and seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are from the State of Kerala and the de-facto complainant party also from the State of Kerala and they worshipping in a temple, there was a quarrel and they assaulted each other, resulting in which, registration to the counter case. Hence, he opposed for grant of bail to the petitioners.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and that the petitioners are in judicial custody from 17.11.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties (in which one should be either the father or mother) each for a like sum to the satisfaction of the learned Judicial Magistrate, Shencottai, and on further conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall appear before the respondent police every day at 10.30 a.m., for a period of three weeks and thereafter every Saturday at 10.30 a.m, until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e)the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/12/2022

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08/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
ACHANPUTHUR POLICE STATION,
TIRUNELVELI DISTRICT

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

ORDER
IN
CRL OP (MD) No.21675 of 2022
Date :08/12/2022

SJI
MK/SSS/SAR II/08.12.2022/3P/6C