



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

Date : 12/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21915 of 2022

1. Sudalaikannu
2. Cherma Durai

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
Cr.No.186/2022.

... Respondent/Complainant

For Petitioners : M/s.Jerin Mathew.M, Advocate

For Intervener : Mr.K.Anand, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

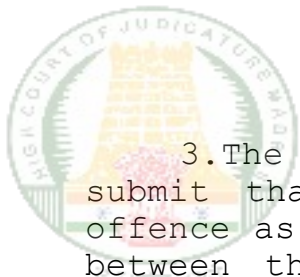
PRAYER :-

For Bail in Cr No.186/2022 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 30.10.2022, for the offence punishable under Sections 147, 148, 452, 294(b), 307, 427, 506(ii), 380 of I.P.C, in Crime No. 186 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 29.10.2022, the accused persons unlawfully assembled with weapons, abused the de-facto complainant and her husband by using filthy language, attacked with aruval and also threatened them with dire consequences and also damaged the household articles, vehicles, agricultural equipment and also taken away Rs.45,000/- kept in the house. Hence, the case.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. There was a previous enmity between the parties, over which, a false case has been foisted against them. The petitioners are in custody from 30.10.2022. The co-accused has been released on bail, as per order of this Court in CrI.O.P(MD)No.20833 of 2022, dated 24.11.2022. Hence, prays to release them on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, there are totally 13 accused and the petitioners are arrayed as A1, A2. The accused persons had caused damages to the tune of Rs.21,70,000/- and also took Rs.45,000/- cash and the alleged amount is not yet recovered. Though the injured has been discharged from the hospital and the investigation is almost over, the first petitioner is having 12 previous cases and the second petitioner is having four previous cases at their credit, he strongly objected to grant bail to the petitioners.

5. The learned counsel for the intervener would also raised his objection to release the petitioners on bail.

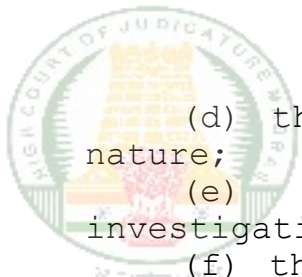
6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioners, 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 deposit Rs.1,50,000 (Rupees One Lakh Fifty Thousand only) each to the credit of Crime No.186 of 2022, before the learned Judicial Magistrate, Radhapuram, within a period of two weeks, without prejudice to their rights and contentions and also the petitioners are directed to execute 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, Radhapuram**, and on further conditions that:

(b) 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 first petitioner shall stay at Madurai and report before the Y.Othakadai Police Station daily at 10.30 a.m., and the second petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;



(d) the petitioners shall not commit any offences of 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/-

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

TO

1. THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

+1 CC to M/s.JERIN MATHEW M, Advocate (SR-14714[I] dated 12/12/2022)

ORDER IN

CRL OP(MD) No.21915 of 2022

Date :12/12/2022

pnm

<https://www.mca.gov.in/> - /12.12.2022/3P/8C