



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

Date : 14/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.22045 of 2022

1. Arunachalam
2. K.Eswaran

... Petitioners/A1 and A2

Vs

The State Rep. By,
The Inspector of Police,
Gudalore South Police Station,
Gudalore -625 518,
Theni District.
(Crime No.201 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Karuppasamy Pandian.M,
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.201 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 29.11.2022 for the offence punishable under Sections 294(b), 323, 324, 307, 506(2) of IPC and Section 4 of TNPHW Act in Crime No.201 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 27.11.2022 at about 3.00 pm., when the defacto complainant along with his female family members were taking bath in Thoottipalayam at that time the accused had come there and created trouble with the ladies and when the same was questioned by the defacto complainant the petitioners had fisted him on his face and also abused him. Hence the case came to be registered.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are students of Theni Arts College and on 27.11.2022 the petitioners had gone to take bath and at that time the female family members of the defacto complainant were also taking bath and they did not allow the petitioners to take bath and at that time there was a wordy quarrel, in which the petitioners were also attacked by the family members of the defacto complainant and the petitioners were also admitted in the hospital and subsequently remanded. He would further submit that the petitioners are in jail from 29.11.2022 hence, he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that on 27.11.2022 at about 3.00 pm., when the defacto complainant along with his female family members were taking bath in Thoottipalayam at that time the accused had come there and created trouble with the ladies and when the same was questioned by the defacto complainant the petitioners had fisted him on his face and also abused him, hence he opposed to grant bail to the petitioners.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

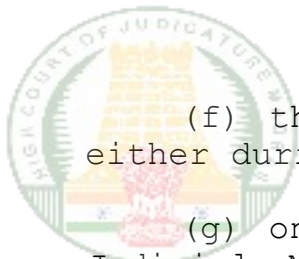
(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each with two sureties (of which one should be either the father or mother) each for a like sum to the satisfaction of the learned Judicial Magistrate Uthamapalayam, Theni District 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 petitioners shall report before the respondent police daily at 5.30 p.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 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 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];

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

sd/-

14/12/2022

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14/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER-INCHARGE,
THENI DISTRICT JAIL, THEKKAMPATTI POST,
THENI DISTRICT.
4. THE INSPECTOR OF POLICE,
GUDALORE SOUTH POLICE STATION,
GUDALORE 625 518, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KARUPPASAMY PANDIAN.M, Advocate (SR-14794[I] dated 14/12/2022)

ORDER

IN

CRL OP(MD) No.22045 of 2022

Date :14/12/2022

aav

USK/VR/SAR- /14.12.2022/3P/7C