



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.22189 of 2022

1. Chandrasekar
2. K.Subramani
3. S.Baskar

... Petitioners/Accused Nos.1 to 3

Vs

The State Rep.by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
Crime No.392 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Karunanithi M, Advocate.

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

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

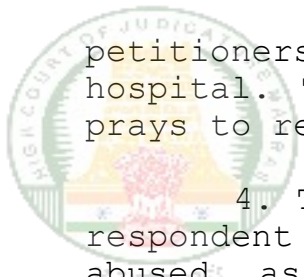
PRAYER :-For Bail in Crime No.392 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 01.12.2022, for the offence punishable under Section 294(b), 323, 324, 307, 506(ii) of I.P.C, in Crime No. 392 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that due to property dispute, on 30.11.2022, at about 03.00 p.m., the accused persons attempted to dig pits for fixing boundary stones and there was a wordy quarrel between the parties, over which, the accused persons assaulted the defacto complainant and his brother with the deadly weapon and threatened them with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and have not committed any offence as alleged by the prosecution. Due to property dispute between the parties, a false case has been foisted against the



petitioners. In this case, the injured was discharged from hospital. The petitioners are in custody from 01.12.2022. The petitioners pray to release them on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, the accused persons have abused, assaulted the defacto complainant and his brother, due to property dispute. Though the injured was discharged from the hospital in this case, investigation is not yet completed. Hence, he strongly objected to grant bail to the petitioners.

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

6. Taking into consideration of the facts and submissions made by the learned counsels and considering the period of incarceration undergone by the petitioners and also the fact that the injured was discharged from the hospital, 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 each for a like sum to the satisfaction of the learned **Judicial Magistrate, Manapparai**, 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 10.30 a.m., for a period of two weeks, thereafter, on 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 FIF be registered under Section 229A IPC.



sd/-
15/12/2022

/ TRUE COPY /

15/12/2022

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

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-14928[I] dated
15/12/2022)

ORDER
IN
CRL OP(MD) No.22189 of 2022
Date :15/12/2022

PNM
MK/SKN/SAR /15.12.2022/3P/7C