



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.778 of 2023

1. Gurunathan

2. Kombaiah

... Petitioners/Accused No.1 & 2

Vs

The state rep.by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City
(Crime No.681 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Suresh Kumar.S,
Advocate

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

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

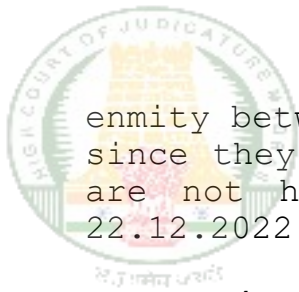
PRAYER :-For Bail in Crime No.681 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners who were arrested and remanded to judicial custody on 22.12.2022 for the offence punishable under Sections 147, 148, 294(b), 448, 427, 506(ii) of I.P.C, in Crime No. 681 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Jenny is that he is a Secretary in AIADMK, Palayamkottai North Side. Due to political animosity, on 19.12.2022, the accused persons had assembled unlawfully, trespassed into the office of the defacto complainant and caused damages to the articles and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. There was a political



enmity between the parties and a false case against the pet. 3, since they are the relatives of the main accused. The petitioners are not having any previous case and they are in custody from 22.12.2022. Hence, prays to release them on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, the petitioners were arrayed as A3, A4 and they along with A1, A2 trespassed into the office of the defacto complainant and caused damages to the articles in the office. 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 the nature of dispute between the parties 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 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 No.I, Tirunelveli**, 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;

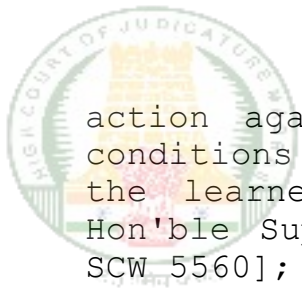
(c) the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

(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 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/-

11/01/2023

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11/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI CITY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.778 of 2023

Date :11/01/2023

PNM

MK/SSS/SAR (11.01.2023) 3P 6C