



WEB COPY

CRL OP(MD).



23

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

Date : 08/02/2023

PRESENT

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

CRL OP(MD) . No.2527 of 2023

1. Sakthivel
2. Muruganantham
3. Shanmugam

... Petitioners/Accused 1-3

Vs

State Rep.by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No. 26/2023.

... Respondent/Complainant

For Petitioners : M/s.Vamanan.K,
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. 26 of 2023 on the file of the respondent police.

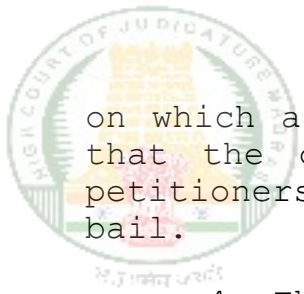
ORDER : The Court made the following order :-

The petitioners /A1 to A3 who were arrested and remanded to judicial custody on 19.01.2023 in crime No.26 of 2023 for the offences under Sections 294(b),324 and 307 of IPC seek bail.

2. The case of the prosecution is that due to matrimonial dispute the petitioners who are the brother's-in-law and father-in-law of the defacto complainant have assaulted the defacto complainant and his brother with crowbar, hence the case.

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 defacto complainant and his family members have frequently harassed the defendant of the third petitioner and there was family dispute based

<https://www.mhcintra.in/judis/>



on which a false complaint has been given. He would further submit that the occurrence has taken place during the quarrel and the petitioners have no previous cases against them, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the first and second petitioner is the brother's-in-law and the third petitioner is the father-in-law of the defacto complainant and due to matrimonial dispute the petitioners have jointly assaulted the defacto complainant with crow bar, resulting in him sustaining injuries, hence he objected to grant bail to the petitioner. He would further submit that the injured has been discharged from the hospital.

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 and also taking note of the fact that the injured has been discharged from the hospital and the fact that no previous case is pending against 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

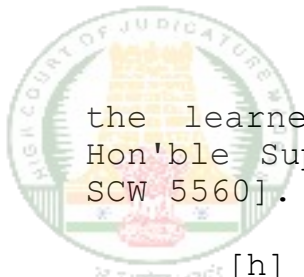
[c] the petitioners shall report before the respondent police daily at 10.30 A.M., until further orders.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/02/2023

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08/02/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, KULITHALAI.

4 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KARUR DISTRICT.

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

+1 CC to M/s.K.VAMANAN, Advocate (SR-1964[I] dated 08/02/2023)

ORDER

IN

CRL OP(MD) No.2527 of 2023

Date :08/02/2023

RS/VR/SAR.2(08.02.2023) 3P-7C