



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2023
PRESENT

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

CRL OP(MD) . No.2629 of 2023

1. Sathya

2. Sakthivel

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.41 of 2023.

... Respondent/Complainant

For Petitioners : M/s.RAJASELVAN R,
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.41 of 2023 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 26.01.2023 for the offence punishable under Sections 294(b), 323, 427, 506(2), 379 of IPC in Crime No.41 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to dispute between the step brother the accused persons had assaulted the defacto complainant and also taken away Rs.63,000/- and damaged the car belonging to the defacto complainant. 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 petitioners are in jail from 26.01.2023 hence, he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to dispute between the step brother



the accused persons had assaulted the defacto complainant, so taken away Rs.63,000/- and damaged the car belonging to the defacto complainant 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.10,000/- (Rupees Ten Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Dindigul 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/02/2023

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09/02/2023

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



AAV
TO

1 THE PRINCIPAL SESSIONS JUDGE,
DINDIGUL DISTRICT.

2 THE OFFICER INCHARGE,
SUB JAIL, VEDASANDUR, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.RAJASELVAN R Advocate SR.No.2044

ORDER

IN

CRL OP(MD) No.2629 of 2023
Date :09/02/2023

SA/VR/SAR. /09.02.2023/3P/6C