



WEB COPY



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

Date : 27/02/2023

PRESENT

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

CRL OP(MD) . Nos.3379 and 3389 of 2023

Saravanan ... Petitioner/Accused No.3
in Cr1.O.P (MD) No.3379/23

Vijayagopal ... Petitioner/Accused No.1
in Cr1.O.P (MD) No.3389/23

Vs

State,Rep. By
the Inspector of Police,
Thanjavur (*)Taluk Police Station,
Thanjavur District.
Crime No.69/2014.

... Respondent/Complainant
in both petitions

**(Amended as per order of the court dated
27/02/2023 in CRL MP(MD)Nos.3359 & 3379
of 2023 in CRL OP(MD)Nos. 3379 & 3389 of
2023 by ADJCJ)**

In both petitions:

For Petitioner : Mr.S.Muthumalai Raja,Advocate

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

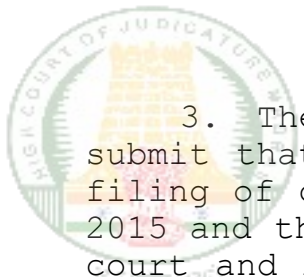
PRAYER :-

For Bail in Cr No.69/2014 on the file of the respondent police.
COMMON ORDER : The Court made the following order :-

The petitioners/A3 and A1, who were arrested and remanded to judicial custody on 02.02.2023 for the offence punishable under Sections 341, 343, 307 IPC and Section 3(1) of PPDL Act in Crime No.69 of 2014 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners along with other accused have attacked the defacto complainant and criminally intimidated. Hence, the case.

<https://www.mhc.tn.gov.in/judis>



3. The learned counsel appearing for the petitioners would submit that initially the petitioners were granted bail and after filing of charge sheet the case was taken on file in P.R.C.No.41 of 2015 and the petitioners have been continuously appearing before the court and A2 and A4 were absconding and in stead of splitting up the case against them, the trial court was continuously adjourning the case. Later, the petitioners were informed that the case will be committed to Sessions Court only after the appearance of A2 and A3 and thereby the petitioners have failed to appear before the court and the court has issued Non Bailable Warrant against them on 26.12.2018 and the petitioners were arrested and remanded to judicial custody on 02.02.2023. He would submit that the petitioners are villagers and they were under the impression that since because of the non appearance of the other accused, the case was kept pending. It was not their intension not to appear before the Court. He would also submit that the petitioners are having permanent residents and they are ready to abide by any stringent condition that may be imposed upon them and they are ready to appear before the court and to co-operate for speedy disposal of the trial in the event of the case being split up and committed to the Sessions Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are arrayed as A3 and A1. He would also submit that the case has been pending committal from the year 2015 in P.R.C.No.41 of 2015 on the file of the Judicial Magistrate No.2, Thanjavur District. He would oppose for grant of bail to the petitioners.

5. Heard. Perused the materials available on record.

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 **Judicial Magistrate No.II, Thanjavur District**, 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 Judicial Magistrate No.II, Thanjavur District, at 10.30 a.m for a period of 4 weeks and thereafter, on the dates fixed by the court.



[d] the petitioners shall not commit any offences of 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.

A direction is issued to the learned Judicial Magistrate No.II, Thanjavur District, to split up the as against the petitioners and commit the case to the Court of Sessions as expeditiously as possible.

sd/-
27/02/2023

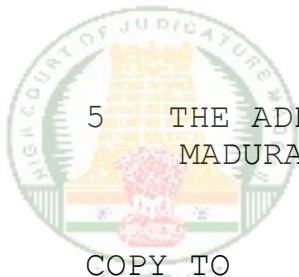
/ TRUE COPY /

28/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR,
THANJAVUR DISTRICT.



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

COPY TO

WEB COPY

1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD). Nos.3379 and 3389 of 2023

Date :27/02/2023

PKP/SBN/SAR-/28.02.2023/4P/8C