



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3946 of 2023

WEB COPY

1.Kathavarayan
2.Vigneshwaran

... Petitioners/Accused 2 & 3

-VS-

The State represented by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(in Cr.No.35 of 2023)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.35 of 2023 on the file of the
Respondent Police.

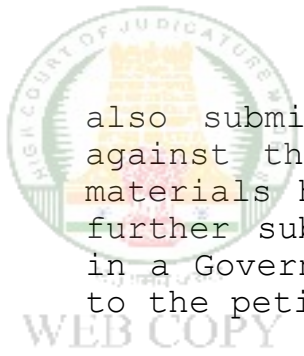
For Petitioners	: Mr.M.SOLAISAMY, Advocate
For Respondent	: Mr.T.SENTHIL KUMAR Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.02.2023 for the offences punishable under Sections 354(A)(1)(i) and 395 of IPC r/w Section 4 of TNPHW Act in Crime No.35 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 10.02.2023, the accused persons have knocked the de-facto complainant's house and quarreled with him and also pull the hands of the de-facto complainant's wife and hence, the case.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case, since the respondent suspects that they are the associates of A1, one Gowtham Pandian. He would also submit that as far as the first petitioner is concerned, he is aged about 18 years and the second petitioner is aged 22 years and they have been arrayed as A2 and A3 in this case. Even as per the prosecution, it is only the first accused, who is alleged to have pulled the hands of the de-facto complainant's wife and the petitioners were stated to be standing along with him. He would



also submit that the petitioners do not have any previous case against them. He would further submit that cellphone and other materials have also been recovered from the petitioners. He would further submit that the first petitioner is studying Fitter course in a Government Polytechnic College. Hence, he would seek for bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with one Gowtham Pandian, A1, who is a notorious rowdy entered into the house of the de-facto complainant and had pulled the hands of the de-facto complainant's wife. Further, he would submit that the petitioners have no previous case pending against them. He would object 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 that the petitioners are in judicial custody from 10.02.2023, 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.II, Sattur, 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 06.30 p.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];



CRL.O.P(MD)



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(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-

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01/03/2023

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
SUB JAIL, ARUPPUKOTTAI.
- 4 THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SOLAISAMY M Advocate SR.No.3144

ORDER

IN

CRL OP(MD) No.3946 of 2023

Date :01/03/2023

SA/SSS/SAR. /01.03.2023/3P/7C