



WEB COPY



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

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4241 of 2023

1. Esakkipandi,
2. Esakkumuthu

... Petitioners/Accused

Vs

The State Rep.by
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
In Crime No.49 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Ananthkumar M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.49 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /accused who was arrested and remanded to judicial custody on 18.02.2023 for the offences under sections 294 (b), 448, 427, 436 and 506(ii) of IPC in Crime No.49 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that on 17.02.2023 the petitioners trespassed and abused the defacto complainant in filthy language and threatened the defacto complainant with dire consequences. Further the petitioners have also damaged the household articles in the house of the complainant, 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 no one sustained injuries in the said occurrence and the petitioners are in custody from 18.02.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners trespassed and abused the defacto complainant in filthy language and threatened the defacto complainant with dire consequences. Further the petitioners have also damaged the household articles in the house of the complainant, hence he objected to grant bail to the petitioner. However he would further submit that no one sustained injuries in the said occurrence.

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 the fact that no one sustained injuries in the said occurrence, 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, Alangulam, 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.for a period of two weeks and thereafter as and when required for interrogation.

[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/-
06/03/2023

/ TRUE COPY /

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

TO
1 THE JUDICIAL MAGISTRATE, ALANGULAM.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TENKASI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUNELVELI.

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

+1. CC to M/S.ANANTHKUMAR M Advocate SR.No.3440

ORDER
IN
CRL OP(MD) No.4241 of 2023
Date :06/03/2023

MGJ/SBN/06/03/2023/3P/7C