



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

Date : 18/04/2023

PRESENT

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

CRL OP(MD). No.7135 of 2023

1. Mahadevan
2. Madurai Veeran ... Petitioners / Accused No.1 & 2

Vs

State Represented by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
(Crime No.261/2023). ... Respondent / Complainant

For Petitioner : M/s.Ilayaraja.R, Advocate.

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

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

PRAYER :-

For Bail in Cr No.261/2023 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 04.04.2023 for the offences under sections 147, 148, 342, 354, 324, 506(ii) of IPC and section 4 of TNPHW Act and 379 of IPC r/w.21(1) of Mines and Minerals(Development and Regulation)Act, 1957 in Crime No.261 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that the accused persons committed theft of river which runs on the back of the house of the defacto complainant for the purpose of manufacturing ready made compound wall and when it was questioned the petitioners attacked the defacto complainant with iron rod and a counter case has also been registered in Crime No.262 of 2023.

<https://www.mhc.tn.gov.in/judis> Heard both sides and perused the materials available on



record including the First Information Report.

4. Taking into consideration the facts and submissions made by the learned counsels and also 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 District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur 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.

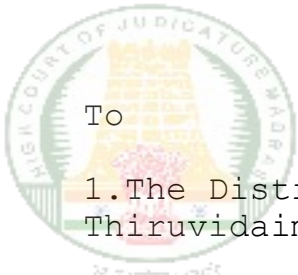
[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself 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/-
18/04/2023

/ TRUE COPY /

18/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The District Munsif cum Judicial Magistrate,
Thiruvidaimaruthur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Srivilliputhur.

3.The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.

4.The Officer Incharge,
District Jail,
Pudukkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.ILAYARAJA.R, Advocate (SR-6021[I] dated 18/04/2023)

ORDER

IN

CRL OP(MD) No.7135 of 2023

Date :18/04/2023

ED/SSS/SAR- (18/04/2023) 3P 7C