



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2023

PRESENT

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

CRL OP(MD) . No.7258 of 2023

1. Mohamed Yasar Arafath

2. Jeeva ... Petitioners 1 & 2/Accused No.2 & 3

Vs

The State represented by
The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
Crime No.75 of 2023..

... Respondent/Complainant

For Petitioners : M/s.Sarvagan Prabhu.S,
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.75 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A2 and A3 who were arrested and remanded to judicial custody on 22.03.2023 for the offences under sections 294(b),323,324,387, 506(ii) of IPC @ 294(b),323,307,387,506(ii) of IPC in Crime No.75 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that on 18.03.2023 at about 4.30 pm., the accused persons quarreled with the defacto complainant, abused him in filthy language and attacked with hands and knife and caused injuries, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.



4. There are totally four accused in this case and the petitioners herein are arrayed as A2 and A3. Even according to the case of prosecution, the first accused demanded more money from the defacto complainant and the petitioners herein only helped the first accused. 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vedasanthur 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 stay at Theni and report before the Theni Police Station daily at 10.30 am and 5.30 pm., for a period of four weeks and thereafter 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/-
20/04/2023

/ TRUE COPY /

20/04/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

4 THE OFFICER INCHARGE,
SUB JAIL, VEDASANTHUR.

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

COPY TO:

THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI

**+ 1 CC TO M/s.Sarvagan Prabhu.S, ADVOCATE IN SR No.6242 DT
20/04/2023**

ORDER

IN

CRL OP(MD) No.7258 of 2023

Date :20/04/2023

SS/VR/SAR /20/04/2023/3P/8C