



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2023

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PRESENT

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

CRL OP(MD) . No.9732 of 2023

1. K.Palanivel
2. C.Muniyandi
3. K.Satheeshkumar
4. C.Nagaraj ... Petitioners/Accused Rank Nos.A4,A7,A9 & A10

Vs

State Rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District.
Crime No.58 of 2023.

... Respondent/Complainant

For Petitioners : M/s.D.Rajaboopathy, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

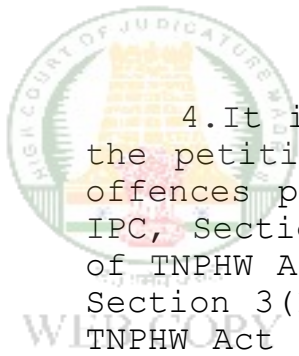
For Bail in Crime No.58 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4, A7, A9 and A10, who were arrested and remanded to judicial custody on 04.05.2023 for the offences punishable under Sections 147, 148, 448, 294(b), 427, 341, 323, 324 and 307 IPC in Crime No.58 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was a wordy quarrel regarding the fire of crackers in the pongal festival, due to which, all the petitioners trespassed into the de-facto complainant's house and assaulted her and abused her and also threatened her with dire consequences. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.



4.It is a case and case in counter and the complaint : by the petitioner has been registered in Crime No.56 of 2023 for the offences punishable under Sections 294(b), 324, 341 and 506(ii) of IPC, Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act and Section 4 of TNPHW Act @ Sections 147, 148, 294(b), 324, 341 and 506(ii) IPC, Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act and Section 4 of TNPHW Act as against the de-facto complainant and others. There are ten accused involved in this case, in which, the petitioners are arrayed as A4, A7, A9 and A10. Now the injured is discharged from the hospital.

5.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by 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, Peraiyur, Madurai 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 respondent police daily at 10.30 A.M. and 05.30 P.M., for a period of four weeks and thereafter, report before the respondent police 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/-

06/06/2023

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06/06/2023

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

SJI

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



TO

1 THE JUDICIAL MAGISTRATE, PERAIYUR, MADURAI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, SAPTUR POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-8162[I] dated
06/06/2023)

ORDER

IN

CRL OP(MD) No.9732 of 2023

Date :06/06/2023

RS/VR/SAR-(06.06.2023) 3P 7C