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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.11827 of 2023

1. Yogeshwaran,
2. Sangili ... Petitioners/Accused No.2 & not ranked

Vs

The State represented by
The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
Crime No.157 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Anandakumar N,
Advocate.

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

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

PRAYER :-

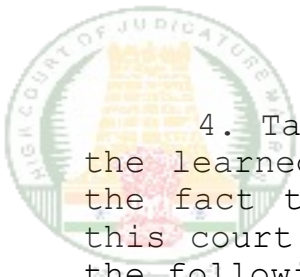
For Bail in Crime No.157 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused who were arrested and remanded to judicial custody on 25.05.2023 and 29.05.2023 for the offences under sections 147,148,294(b),342,307 and 506(ii) of IPC in Crime No.157 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that due to some dispute during the temple festival the accused persons unlawfully assembled together and abused the defacto complainant in filthy and also attacked him with aruval. Further they also criminally intimidated the defacto complainant, hence the case.

3. Heard. 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 and also the fact that the injured has been discharged from the hospital, this court is inclined to grant bail to the petitioners, subject to the following conditions:

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5. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate No.V, Trichy and on further conditions that :-

[a] 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.

[b] the petitioners shall jointly pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) directly to the defacto complainant and produce the receipt/acknowledgement at the time of furnishing sureties. If the defacto complainant refuses to receive the amount the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.157 of 2023 on the file of the respondent police before the concerned Magistrate and on such deposit being made the learned Magistrate shall accept the sureties. On payment being made, the defacto complainant is permitted to withdraw the same.

[c] the petitioners shall report before the respondent police daily at 10.30 A.M. and 5.30P.M., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/06/2023

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30/06/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.V
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION, TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-9877[I] dated
30/06/2023)

ORDER

IN

CRL OP(MD) No.11827 of 2023

Date :30/06/2023

SS/CG/30/06/2023/3P/7C