



CRL OP(MD). No.17604 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Aakash ...Petitioner/ Accused No.4

2. Maharaja

3. Duraipandi ... Petitioners/ Accused
Rank not known

Vs

The State rep.by,
The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
(Crime No.490/2023)..

... Respondent/ Complainant

For Petitioner : M/s.George Stephen Kanikkairaj,
Advocate.

For Respondent : Mr.R.M.S. Sethuraman,
Additional Public Prosecutor

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



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PRAYER :-
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For Bail in Crime No.490/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused Nos.A4, A7 and A8, were arrested and remanded to judicial custody on on 16.09.2023 for the alleged offence punishable under Sections 147, 294(b), 506(ii), 352 and 336 IPC and Section 4 of TNPWH Act and Section 3 of TNPPDL Act in Crime No.490 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.09.2023, in the village of defacto complainant two marriage functions have been held in the house of same street at Gopalamudram Village and at that time, there was a wordy quarrel arose between the parties due to the fixation of the Board in the street and that the petitioners and other accused have attacked the defacto complainant and also abused him in filthy language and also damaged two bikes worth about Rs.50,000/-. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that it is a case of case and counter and the counter case has been registered in Crime No.483 of 2023 on the file of the respondent police and hence, seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that at the time of fixing the two flex board in the same street for marriage functions, there was a wordy quarrel arose between the parties. Due to which, the petitioners and other accused have attacked the defacto complainant and also damaged two bikes worth about Rs.50,000/-. He would further submit that no one has sustained injury and the petitioners are not having any previous case. He would further submit it is a case of case and counter and that investigation of the case is pending and hence, he strongly objected to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record.



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6. Considering the facts and circumstances and also considering the fact no one has sustained injury and that there is no previous case is pending against the petitioners and that it is a case of case and counter, 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 No.V, Thirunelveli, and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioners shall appear before the concerned Court on receipt of summons without fail;

(iv) the petitioners shall not tamper with evidence or witness;



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(v) the petitioners shall not abscond during trial.

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vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/10/2023

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03/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.V, THIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



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3. THE OFFICER IN CHARGE,
SUB JAIL, NANGUNERI, THIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.GEORGE STEPHEN KANIKKAIRAJ, Advocate (SR-14551[I] dated 03/10/2023)

ORDER
IN
CRL OP(MD) No.17604 of 2023
Date :03/10/2023

RK (03/10/2023) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023