



CRL OP(MD)No.21811 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.12.2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD)No.21811 of 2023

1.Radhakrishnan

2.Navaneetha Krishnan

3.Govindaraj

... Petitioners/ Accused No.1,2,&4

Vs

The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(In Crime No.416 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.T.Palanisamy, Advocate

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

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



CRL OP(MD)No.21811 of 2023

PRAYER :-
WEB COPY

For Bail in Crime No.416 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 14.11.2023 for the offence under Sections 294(b), 307, 323, 324, 506(ii) IPC and Section 4 of TNPWH Act IPC in Crime No.416 of 2023 on the file of the respondent police seek bail.

2.The case of the prosecution is that on 12.11.2023, around 08.30 pm., the accused persons were firing crackers, which was questioned by the defacto complainant. Due to that motive, on 13.11.2023, the accused persons assaulted one Pandimeenakshi and also threatened the defacto complainant. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that anticipatory bail was granted to the co-accused by this Court vide order dated 22.11.2023, in CrI.O.P.(MD)No.20930 of 2023. He would further submit that the petitioners are in custody from 14.11.2023, hence he seeks bail.



CRL OP(MD)No.21811 of 2023

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to dispute arose with regard to the firing of crackers, the accused persons assaulted and threatened the defacto complainant, hence he objected to grant bail to the petitioners. However he fairly concedes that all the injured has been discharged from the hospital and no previous case is pending against the petitioners.

5.Taking into consideration the facts and circumstances of the case and also the fact that all the injured has been discharged from the hospital and no previous case is pending against the petitioners and also taking into consideration 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.25,000/- (Rupees Twenty Five Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti, Madurai District and on further conditions that:



CRL OP(MD)No.21811 of 2023

WEB COPY

[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., until further orders.

[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].



CRL OP(MD)No.21811 of 2023

WEB COPY

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

sd/-
04/12/2023

/ TRUE COPY /

04 /12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

- 1.THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE OFFICER IN CHARGE,
DISTRICT PRISON, THENI.
- 4.THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,MADURAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD)No.21811 of 2023

+1 CC to M/s.T.PALANISAMY, Advocate (SR-17215[I] dated 04/12/2023)

WEB COPY

ORDER
IN

CRL OP(MD) No.21811 of 2023

Date :04/12/2023

RK/(04/12/2023) 6P / 7C

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