



CRL OP(MD). No.3671 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3671 of 2024

1.Thangadurai

2.Kanagaraj

... Petitioners/ Accused Nos.2 and 3

Vs

The Inspector of Police,  
Panthanallur Police Station,  
Thanjavur District.  
In Crime No.82 of 2024.

... Respondent/Complainant

For petitioners : Mr.K.S.Durai Pandian,  
Advocate.

For Respondent : Mr.B.Nambiselvan,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.82 of 2024 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



CRL OP(MD). No.3671 of 2024

18.02.2024 for the offence punishable under Sections 294(b), 324, 427, 436 and 506(ii)

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of I.P.C., in Crime No.82 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 17.02.2024, the accused persons entered into the defacto complainant's land, demolished the boundary stone and fencing line and when the same was questioned by the defacto complainant, the accused persons attacked the defacto complainant using aruval and set out fire on the hut of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. The petitioners did not commit any allegations as alleged by the prosecution. However, on instructions, he would further submit that the petitioners are ready to deposit Rs.10,000/- (Rupees Ten Thousand only) jointly to the credit of Crime No.82 of 2024, before the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, without prejudice to their rights and contentions. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, liberty may be given to the petitioners for refund of the said amount. Hence, he prays to grant bail to the petitioners.



CRL OP(MD). No.3671 of 2024

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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the injured person is discharged from the hospital.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the injured is discharged from the hospital, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

7. 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 the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, 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 are directed to appear before the respondent Police daily at 10.30 a.m until further orders;**



CRL OP(MD). No.3671 of 2024

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(c) the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** jointly to the credit of the Crime No.82 of 2024 before the concerned trial Court, without prejudice to their defence before the trial Court, within a period of two weeks from the date of receipt of copy of this order. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, the petitioners are entitled for refund of the said amount;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond 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]*; and;



CRL OP(MD). No.3671 of 2024

(g)if the accused thereafter absconds, a fresh FIR can be registered under  
Section 229-A IPC.

sd/-  
07/03/2024

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07/03/2024

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

INDU  
TO

- 1 THE DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE  
PANTHANALLUR POLICE STATION,  
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,  
SUB JAIL, THIRUVIDAIMARUTHUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN

CRL OP(MD) No.3671 of 2024  
Date :07/03/2024

SS/SAR- /07/03/2024/5P/6C

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