



CRL OP(MD). No.6864 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/05/2024

PRESENT

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

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1.Thandayutham,
S/o Muniyasamy,
3/34 Kadugusanthai Sathiram,
Kadugusanthai, Kadaladi,
Ramanathapuram District.

2.Raj @ Raju @ Rasu,
S/o Vetrivel, 3/252 Yadavar Kudiyiruppu,
Kadugusanthai Sathiram, Kadugusanthai,
Kadaladi,
Ramanathapuram District.

... Petitioners/ Accused No.2 & 3

Vs

The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.
Crime No. 130 of 2024.

... Respondent/ Complainant

For Petitioners :Mr.N.Sathishwaran
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



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

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PRAYER :-

For Bail in Crime No.130 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 21.04.2024, in connection with a case in Crime No.130 of 2024, on the file of the respondent police, for the offences punishable under Sections 294(b), 323, 324, 427, 506(ii) of IPC and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 have filed this petition seeking bail.

2. The case of the prosecution is that due to a communal clash, the accused persons have abused the defacto complainant in filthy language and assaulted him by using a Sickle and caused injuries to him. The accused persons have also damaged the bottles which were kept in the defacto complainant's shop. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged



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by the prosecution. However, they are languishing in jail from 21.04.2024. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police strongly opposes for grant of bail to the petitioners and submits that there is a case and counter case. The injured has been discharged from the Hospital on 01.05.2024.

5. Heard both sides.

6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioners) tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioners) have committed the



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alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioners) are not guilty of the offences they are charged with.

8. The Court has to strike a balance between the rights of the accused (petitioners) to their liberty and the interest of the society. Liberty of an accused (petitioners) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioners subject to fulfilment of the following conditions by them.

- i. The petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kadaladi.
- ii. The petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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- iii. The petitioners shall report before the respondent police daily at 10.30 a.m until further orders for interrogation.
- iv. The petitioners shall not tamper with evidence or witness either during investigation or trial;
- v. The petitioners shall not abscond either during investigation or trial;
- 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]; and ;
- vii. If the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.



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10. Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

/ TRUE COPY /

08/05/2024
Sub-Assistant Registrar (LIASONING)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

TO

1. THE JUDICIAL MAGISTRATE , KADALADI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE OFFICER IN CHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

4. THE INSPECTOR OF POLICE,
SAYALGUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.N.SATHISHWARAN, Advocate (SR-5294[I] dated 08/05/2024)

ORDER
IN
CRL OP(MD) No.6864 of 2024
Date :08/05/2024



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RK (08/05/2024) 7P / 7C

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