



CRL OP(MD). No.12091 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.12091 of 2024

1. Andichamy
2. Vellathayee

... Petitioners/ Accused Nos.1&5

Vs

The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.304/2024.)

... Respondent/Complainant

For Petitioners : M/s.Senthilkumar.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.304/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 & A5, who were arrested and remanded to judicial custody on 02.07.2024 for the offences punishable under Sections 147, 148, 452, 294(b), 323, 324, 307, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.304 of 2024 on the file of the respondent police, seek bail.



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2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused, abused the defacto complainant in filthy language and attacked him with knife. When the wife of the defacto complainant tried to prevent the same, they also attacked her and caused to both of them. Hence, the complaint.

3.The learned counsel for the petitioners the petitioners are innocents and they have not committed any offence as mentioned in the FIR. He would further submit that the injured were discharged from the hospital and the petitioners are in judicial custody from 02.07.2024 and hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the investigation is in preliminary stage and the petitioners are having 4 previous cases. But, however, he fairly conceded that the injured were discharged from the hospital.

5.Considering the period of incarceration and also considering the fact that the injured were discharged from the hospital, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on 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 Judicial Magistrate, Melur.

(i)the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

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

iv)the petitioners shall not abscond during trial;

v)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].

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

sd/-
30/07/2024

/ TRUE COPY /

31/07/2024
Sub-Assistant Registrar (A.E.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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To

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1.The Judicial Magistrate,
Melur.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

4.The Superintendent,
Central Prison, Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.M.SENTHILKUMAR, Advocate (SR-8938[I] dated 30/07/2024)

ORDER

IN

CRL OP(MD) No.12091 of 2024

Date :30/07/2024

ED/ /SAR- (31/07/2024) 4P / 8C

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