



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11906 of 2017

JOTHI

... PETITIONER / ACCUSED no.3

Vs

THE STATE REPRESENTED BY its
THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT .
CRIME NO.503/2017

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JEGADEESH PANDIAN Advocate

For Respondent : Mr.A.RAMAR, Additional Public Prosecutor

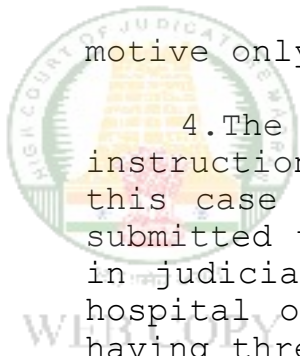
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A3 who was arrested on 04.08.2017 for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324, 307 and 506(ii) of IPC in Crime No.503 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de facto complainant is working as a sales man in a petrol bunk and the accused persons are used to come to petrol bunk and insisted to fill petrol without giving money. On 01.08.2017 the accused persons came to the petrol bunk and insisted to fill petrol, when the same was refused, quarrel erupted between them and on 02.08.2017 at about 2.30 p.m. the accused persons came with deadly weapons and started to attack the de facto complainant and one Navinkumar, while so, the de facto complainant received head injury and the said Navinkumar received injury on below left knee of the left leg.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the allegation leveled against the petitioner is false and the same is motivated one, in fact on 02.08.2017, the petitioner went to the petrol bunk for filling petrol in his auto and after filling the same, he requested for bill, but the de facto complainant refused to give the bill, when the same was questioned by him, they assaulted him, due to that



motive only the present false complaint has been lodged.

4.The learned Additional Public Prosecutor would submit on instructions that there are 5 named accused and 4 unnamed accused in this case and the petitioner herein is arrayed as A3. He further submitted that A2, A3, A4, A5 and A6 were arrested and they are now in judicial custody and the injured have been discharged from the hospital on 04.08.2017. He also submitted that the petitioner is having three previous cases in Crime no.209 of 2015 for the offences under Section 294(b), 341 and 506(i) of IPC and in Crime No.334 of 2017 for the offences under Section 75 (1) (c) of TNCP Act and in Crime No.415 of 2014 for the offences punishable under Section 294 (b), 323 and 506(i) of IPC before the Rajapalayam North Police Station and the investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that the injured have been discharged from the hospital and the petitioner is not having any previous cases of similar nature of offences and the petitioner is in jail from 04.08.2017, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i)the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam, Viruthunagar District.

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

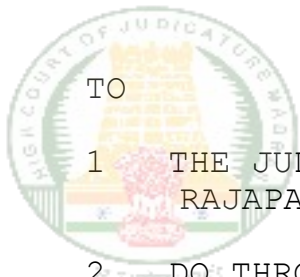
(iv) the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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]**.

sd/-
08/09/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

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

+1. CC to MR.M.JEGADEESH PANDIAN Advocate SR.No.30366

JAM/08.09.17/PN/SAR 1/ 3P-7C

ORDER

IN

CRL OP(MD) No.11906 of 2017

Date :08/09/2017