



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

Monday, the Twenty Seventh day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.2115 of 2017

1 M. ASHOK

2 M. RAJA

... PETITIONERS/ACCUSED Nos.1 and 2

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
WEST POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO.58/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.ARUN PRASAD Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

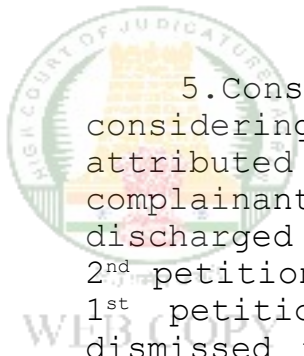
ORDER : The Court Made the following order :-

The petitioners / A1 and A2, who were arrested on 03.02.2017 for the offences punishable under Sections 294(b), 324, 506(ii) IPC @ 294 (b), 324, 307 and 506(ii) IPC in Crime No.58 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity, the petitioners attacked on the forehead of the de facto complainant with aruval and caused injury and also abused in filthy language.

3.The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged occurrence and they are innocent persons and they have been falsely implicated in this case. Both petitioners are Brothers.

4.The learned Government Advocate(Crl. Side) submitted that totally there are two accused, who are the petitioners herein and the 1st petitioner / A1 attacked the injured on the forehead with aruval and cause head injuries and the 2nd petitioner criminally intimidated the injured during occurrence and investigation is pending. The injured was also discharged on 07.02.2017 since occurrence took place on 02.02.2017.



5. Considering the facts and circumstances of the case and considering the specific overt act and gravity of the attack attributed against the 1st petitioner / A1, who attacked the de facto complainant's forehead with aruval, though the injured was discharged and also considering the overt act attributed against the 2nd petitioner / A2, this Court is not inclined to grant bail to the 1st petitioner. Accordingly, this Criminal Original petition is dismissed in respect of the 1st petitioner is concerned and the 2nd petitioner is ordered to be released on bail subject to the following conditions:

(i) the 2nd 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 Judicial Magistrate No.II, Thanjavur;

(ii) the 2nd petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the 2nd petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the 2nd 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 2nd 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/-

27/02/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR

2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR

3 THE INSPECTOR OF POLICE,
WEST POLICE STATION,
THANJAVUR DISTRICT

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

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

+1. CC to M/S.A.ARUN PRASAD Advocate SR.No.10966

ORDER IN

CRL OP(MD) No.2115 of 2017

Date : 27/02/2017