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

Thursday, the Twenty Fourth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11195 of 2017

MAHESWARAN ... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT,
(CRIME NO. 93 OF 2017) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.THIYAGARAJAN Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.07.2017, for the offences punishable under Sections 452, 294(b),324, 506(ii) of IPC in Crime No.93 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to some dispute, the petitioner and the de facto complainant are husband and wife. Due to some dispute, the petitioner attacked the de facto complainant and also abused in filthy language and caused injury.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the respondent police.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner is the sole accused in this case. The defacto complainant is the wife of the petitioner herein and the petitioner was arrested on 28.07.2017 and he is in custody. He also submitted that injured was discharged from the hospital and investigation is still pending.

5.Considering the above facts and circumstances of the case and considering the fact that injured was discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to certain conditions.

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6.Accordingly, the petitioner is ordered to be released on bail on his executing 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, Sathankulam and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. for 3 weeks.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 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].

sd/-
24/08/2017

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

TO

1. THE JUDICIAL MAGISTRATE, SATHANKULAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3. THE OFFICER INCHARGE,SUB JAIL, SRIVAIKUNDAM.

4. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.A.THIYAGARAJAN Advocate SR.No.29282

ORDER IN
CRL OP(MD) No.11195 of 2017
Date :24/08/2017

**MS/CM-MSA/SAR.1/24.08.2017/2P.7C**

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