



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

Tuesday, the Tenth day of October Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) No.13650 of 2017

KASIKARTHICK

... PETITIONER/ACCUSED

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT
(Crime No.286/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.V.ANGUSAMY, Advocate

For Respondent : Mr.T.MOHAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested for the alleged offences under Sections 449, 294(b), 302 and 506(ii) of I.P.C r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.286 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was some property dispute between the deceased and the accused. Due to that motive, A1 is said to have attacked with aruval on the head of the deceased and the petitioner is said to have attacked with aruval on the left ear and left leg knee of the deceased.

3.The learned counsel appearing for the petitioner states that the petitioner is the first year B.Com student in Ambai Arts College, Ambasamudram, Tirunelveli Distirct. He also submitted that the allegation made against the petitioner is totally false and he has been implicated only for the reason that two days prior to the date of occurrence, he indulged in a wordy quarrel with the deceased.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that there are two accused in this case. The petitioner herein arrayed as A2 and he was arrested and remanded to custody on 27.07.2017. Earlier bail application moved on behalf



of this petitioner in CrI.O.P.(MD)No.12518 of 2017 was dismissed by this Court on 21.09.2017. This bail application is second application. He would further submit that investigation has been completed but the chemical analysis report is awaited in this case.

5. Considering the above facts and circumstances of the case and also considering the fact that the period of inside of the petitioner in Jail from 27.07.2017, this Court is inclined to grant bail to the petitioner subject to certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail on 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 Judicial Magistrate, Ambasamudram and on further condition that:

[a] the petitioner shall report before the respondent police, daily at 5.30 a.m., until further orders.

[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/-
10/10/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
AMBASAMUDRAM

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI



4 THE SUB INSPECTOR OF POLICE
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.V.ANGUSAMY Advocate SR.No.32429

ORDER

IN

CRL OP(MD) No.13650 of 2017

Date :10/10/2017

rmi/smi

SH/CM-MSA/SAR-2:10.10.2017: 3P/7C