



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

Friday, the Thirteenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13912 of 2017

1 GOPALAKRISHNAN
2 NAGARATHINAM

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO. 271/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.G.MARIMUTHU Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

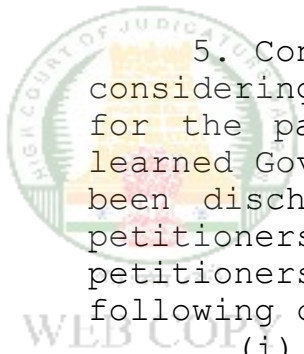
ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1 and 2, who were arrested and remanded to judicial custody on 16.09.2017, for the alleged offences punishable under Sections 294(b), 342, 324, 307 and 506(ii) of I.P.C., in Crime No.271 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is the son-in-law of the petitioners. Due to some misunderstanding, their daughter, namely, Vijayalakshmi and the defacto complainant are living separately for the past six months. On 16.09.2017, at 1.00 p.m., there was a wordy quarrel arose between the petitioners and the defacto complainant, at that time, A2 scolded him using filthy language and instigated A1 to attack him. On her instigation, A1 attacked the defacto complainant with Aruval and he sustained grievous injuries. On complaint, case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. In fact, the defacto complainant came to their house in an inebriated mood and tried to attack their daughter with knife, at that time, they prevented him, in the shuffle he got injuries. The petitioners are in judicial custody for the past 26 days and prays for bail.

4.The learned Government Advocate(Crl.side) submitted that the injured has been discharged from the hospital and investigation is still pending.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody for the past 26 days and also considering the submission of the learned Government Advocate (Crl. Side) that the injured has already been discharged from the hospital, I am inclined to release the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai;
- (ii) the petitioners shall appear before the respondent police as and when required;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners shall not commit any offence while on bail;
- (vi) 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 and the bail granted stands cancelled automatically.

sd/-
13/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMAN, MADURAI.
- 4 OFFICER IN CHARGE, SUB JAIL, ARUPPUKOTTAI.
- 5 THE INSPECTOR OF POLICE,
THRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.32745

ORDER IN
CRL OP(MD) No.13912 of 2017
Date :13/10/2017