



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

Tuesday, the Thirty First day of October Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14671 of 2017

THAVARAJ KUMAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
PARTHIBANOOR,
RAMANATHAPURAM DISTRICT.
CRIME NO.293/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SENTHIL, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

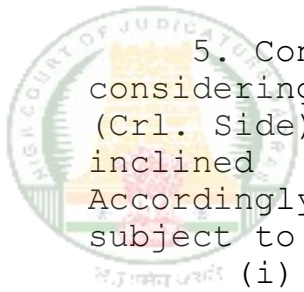
ORDER : The Court Made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 19.10.2017 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 of IPC., in Crime No.293 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there are totally three accused in this case. This petitioner is arrayed as A2. On 18.10.2017, when A1 parked his car in front of the house of the defacto complainant, the same was questioned by the defacto complainant, at that time, there was a wordy quarrel arose between the petitioner and the defacto complainant. As a result, the petitioner along with other accused persons attacked the defacto complainant and he sustained injuries. On complaint, case has been registered for the above said offences against the petitioner and other accused persons.

3. The learned counsel for the petitioner submitted that the petitioner is is an innocent person and he has not committed any offence as alleged by the prosecution. Moreover, there is no previous enmity between the petitioner and the defacto complainant and he further submitted that the petitioner is ready to abide any condition to be imposed by this Court and prays for bail. He further submitted that there is a counter case pending against the defacto complainant in which the petitioner and others had given a complaint against the defacto complainant for the same set of allegations and the case was registered in Crime No.292 of 2017 on the file of the respondent police.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the injured has been discharged from the hospital. He further submitted that it is a case of case and case in counter.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that the injured has discharged from the hospital, I am inclined to grant bail to the petitioner with certain conditions. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi;
- (ii) the petitioner shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make herself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner 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 petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-
31/10/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
3. THE OFFICER INCHARGE, SUB JAIL, MUDHUKULATHUR.
4. THE INSPECTOR OF POLICE, PARTHIBANOOR POLICE STATION, PARTHIBANOOR, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SENTHIL Advocate SR.No.33504

ORDER IN
CRL OP(MD) No.14671 of 2017
Date :31/10/2017

MS/CM-MSA/SAR.3/31.10.2017/2P.7C