



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

Tuesday, the Fourth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.7920 of 2017

MUTHUKUMAR

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT
(CR.NO. 278 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.T.VINITHA Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

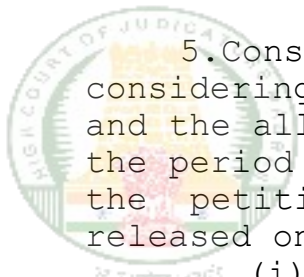
ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 11.05.2017 for the offences punishable under Sections 147, 148, 307, 325 and 326 IPC in Crime No.278 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between A1 and the de facto complainant, the petitioner along with other accused attacked the de facto complainant with aruval and wooden log and thereby caused grievous injuries.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there is no specific overt act attributed against the petitioner in the FIR.

4.The learned Additional Public Prosecutor submitted that totally there are 6 accused and the petitioner is arrayed as A2 in this case. He also submitted that based on the complaint given by the de facto complainant / injured, this case has been registered against one named accused and others. He further submitted that A1 has attacked the de facto complainant with Aruval and the petitioner has attacked the de facto complainant with wooden log. A2 is the close relative of A1. He also submitted that A4 and A6 are still absconding, A3 was arrested and released on bail by the learned Principal Sessions Judge, Tuticorin in Crl.M.P.No.6567 of 2017 on 12.06.2017. He further submitted that injured was discharged from the hospital on 23.05.2017.



5.Considering the facts and circumstances of the case and considering the fact that injured was discharged from the hospital and the alleged overt act attributed against the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner. 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Kovilpatti, Thoothukudi District;

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

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

(iv) the 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 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/-

04/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 OFFICER IN CHARGE,
SUB JAIL, KOVILPATTI, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.BHARATHI Advocate SR.No.25809

ORDER

IN

CRL OP(MD) No.7920 of 2017

Date :04/07/2017