



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

Tuesday, the Twenty Fifth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9633 of 2017

1 MADHAVAN
2 EZHIL ARASAN
3 KARUPPASAMY

... PETITIONERS / ACCUSED RANK A1,A2&A4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DT.
(CRIME NO. 272 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.MAHALINGAM Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

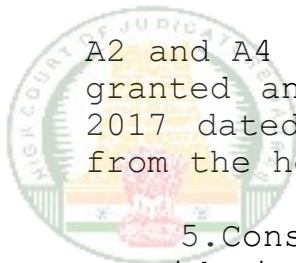
ORDER : The Court Made the following order :-

The petitioners / A1, A2 and A4, who were arrested and remanded to judicial custody on 12.07.2017 for the offences punishable under Sections 294(b), 323, 342 and 307 of IPC r/w. Section 4 of TNPHW Act in Crime.No.272 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused and the de facto complainant are neighbours and due to wordy quarrel, A2 and A4 are said to have pulled down the saree of the de facto complainant and pushed her down and A3 is said to have caught hold the de facto complainant's husband and A1 is said to have attacked her with wooden log on the forehead and right hand and caused injuries. On complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 12.07.2017.

4. The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally four accused in this case and the petitioners herein are arrayed as A1,



A2 and A4 respectively. He would further submit that A3 was already granted anticipatory bail by this Court in Crl.O.P(MD).No.9284 of 2017 dated 20.07.2017 and the injured has already been discharged from the hospital and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital and that the petitioners are in in judicial custody from 12.06.2017, this Court is inclined to grant bail to the petitioners. 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivilliputur.

(ii) the petitioners are directed to appear before the respondent Police, daily at 10.30 a.m. until further orders;

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

(iv) the petitioners 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/-

25/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVILLIPUTUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTUR.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MAHALINGAM Advocate SR.No.27223

ORDER

IN

CRL OP(MD) No.9633 of 2017

Date :25/07/2017