



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2305 of 2018

GAJENDRAN

... PETITIONER / ACCUSED (SOLE)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
CRIME NO.19 OF 2018,
THOOTHUKUDI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.SENTHIL KUMAR Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

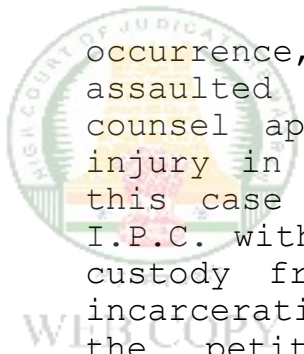
The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 27.01.2018 for the offence punishable under Sections 341, 294(b), 307 and 506(ii) I.P.C., in Crime No.19 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a dispute between the defacto complainant and the petitioner regarding tenancy of Banana Garden, out of which, while the defacto complainant was walking near the State Bank at Thoothukudi, this petitioner prevented the defacto complainant, abused him by using filthy language and tried to assault the defacto complainant with aruval. Hence, case has been registered against the petitioner, he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that during the time of occurrence, there was a wordy quarrel arose between the petitioner and the defacto complainant. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution. Further added that the petitioner is in judicial custody from 27.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that during the time of occurrence, no one sustained injury. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of



occurrence, due to the dispute over the tenancy, the petitioner assaulted the defacto complainant and committed this offence. The counsel appearing on either side admitted that no one sustained injury in the alleged occurrence. So, in the above circumstance, this case has been registered for the offence under Section 307 I.P.C. without any reason. More over, the petitioner is in judicial custody from 27.01.2018 onwards. So, considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6.Considering the above facts and circumstances, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaigundam.

(ii)the petitioner is directed to appear before the respondent police daily at 10.00 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/-

14/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIGUNDAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 THE OFFICER IN CHARGE, DISTRICT PRISON,
PERURANI, THOOTHUKUDI DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.SENTHIL KUMAR Advocate SR.No.2485

ORDER IN

CRL OP(MD) No.2305 of 2018

Date :14/02/2018