



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4781 of 2018

PERIYAKARUPPU

... PETITIONER/ACCUSED NO.57

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT
(CR.NO.62 OF 2007)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.SARAVANAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.57, was arrested and remanded to judicial custody on 16.02.2018 for the offence punishable under Sections 147, 148, 341, 323 and 307 IPC in Crime No.62 of 2007, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner along with other accused unlawfully assembled with deadly weapons, wrongfully restrained the defacto complainant Kottaichamy, attacked him with wooden log, aruval, etc., with an intention to commit murder on him. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 16.02.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Heard the learned Government Advocate (Criminal Side) appearing for the State.



5. The submissions made by the learned counsel appearing on either side are considered.

6. As of now, the case has been pending against the petitioner for the offences punishable under Sections 147, 148, 341, 323 and 307 IPC on the file of the learned Judicial Magistrate, Nilakottai in P.R.C.No. 20 of 2008. During the course of trial proceedings, the learned Judicial Magistrate issued a Non-Bailable Warrant against the petitioner on 14.02.2018 for his non appearance and subsequently, on 16.02.2018 itself the petitioner was arrested and remanded to judicial custody. Considering the period between the date of issuing Non-bailable warrant and arrest, shows that the petitioner is not having any intention for not attending the Court, this Court came to the conclusion that it is a fit case for granting bail to the petitioner. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent 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, Nilakottai.

(ii) the petitioner shall appear before the concerned Court 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/-
27/03/2018

/ TRUE COPY /



TRP
TO

1 THE JUDICIAL MAGISTRATE, NILAKOTTAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE SUB INSPECTOR OF POLICE
VILAMPATTI POLICE STATION, DINDIGUL DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL

+1. CC to M/S.S.MUTHUKUMAR Advocate SR.No.4838

GJM/MM/PN/SAR-I-27.3.18-3P-7C

ORDER

IN

CRL OP (MD) No.4781 of 2018

Date :27/03/2018