



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1062 of 2018

PANDI

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOVILANKULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO. 112/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.GOKUL, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, 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 27.12.2017 for the alleged offences punishable under Sections 294(b), 323, 327, 307, 506(ii) of IPC and Section 4 of the Women Harassment Act, in Crime No.112 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner abused the defacto complainant using filthy languages and threatened with dire consequences and assaulted her with an intention to kill and caused severe injury. Hence, the present case has been registered for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence and he has been falsely implicated in this case. He further submitted that the earlier bail petition filed before the lower Court was dismissed on 08.01.2018. This is the second bail application before this Court.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured persons were discharged from the hospital and the petitioner is having three previous cases out of which, in one case, he was acquitted and the remaining two cases are pending trial. In this case, the investigation is still pending.



5. The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioner for the offences punishable under Sections 294(b), 323, 327, 307, 506(ii) IPC, and Section 4 of Women Harassment Act. The petitioner is in judicial custody from 27.12.2017 to till date. It is alleged that during the time of occurrence, the petitioner herein assaulted the defacto complainant and one another person. As of now, the injured persons were discharged from the hospital after completing treatment. Even though the petitioner is having two previous cases, the learned Government Advocate (Criminal Side) fairly concedes that the petitioner was granted with bail in those cases. So, considering the facts and circumstances of the case and also considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation. Hence, 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, Kamudhi;

(ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;

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

(iv) the petitioner shall not commit any offence while on bail;

(v) the petitioner shall not abscond either during investigation or trial;

(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 as if the conditions have been imposed and the petitioners released on bail by the learned 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/-

23/01/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, KAMUDHI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
 3. THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.
 4. THE INSPECTOR OF POLICE,
KOVILANKULAM POLICE STATION, RAMANATHAPURAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.GOKUL Advocate SR.No.1142

ORDER
IN
CRL OP(MD) No.1062 of 2018
Date :23/01/2018

MS/PM-PN/SAR.2/23.01.2018/3P.7C