



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1066 of 2018

DAMOTHARAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION,
MADURAI CITY.
IN CRIME NO. 1071/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN 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/Accused No.1, who was arrested and remanded to judicial custody on 23.10.2017 for the alleged offences punishable under Sections 147, 148, 341, 307, 302 of IPC @ Section 120(B), 147, 148, 341, 307, 302 IPC., in Crime No.1071 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.11.2017, due to previous motive, the petitioner along with other accused persons waylaid the husband of the defacto complainant and assaulted him using aruval and knife and he succumbed to injuries. Hence, the present case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case. He did not involved in any offence as alleged by the prosecution. Hence, he prays for bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that totally there are 11 accused in this case and after investigation, the case was charge sheeted in PRC.No.2 of 2018 before the learned Judicial



Magistrate No.I, Madurai. He further submitted that there is no previous case is pending against the petitioner.

5. The submissions made by the learned counsel on either side is considered. The petitioner was in judicial custody from 23.10.2017. As per the prosecution, the petitioner has no previous case and he is the first offender. It is alleged that during the time of occurrence, the petitioner along with the help of the 10 other accused committed the offence. As of now, after completing the investigation, charge sheet has been filed and the same was taken on file as PRC.No.2 of 2018 on the file of the learned Judicial Magistrate No.I, Madurai. Hence, considering the period of incarceration, and also taken note of the fact that the investigation is completed, custodial interrogation is not necessary. Therefore, for the reasons stated above, this Court is inclined to grant bail to the petitioner, with certain 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 No.I, Madurai;

(ii) the petitioner shall report before the Judicial Magistrate No.I, Madurai, 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.



1 THE JUDICIAL MAGISTRATE NO.I, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION, MADURAI CITY.

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

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.1154

GJM/PM/PN/SAR-2-23.1.18-3P-7C

ORDER

IN

CRL OP (MD) No.1066 of 2018

Date :23/01/2018