



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.122 of 2018

KASI @ KUNDU KASI

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE SUB-INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.329 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.KATHIRESAPERUMAL Advocate

For Respondent : MR.K.S.DURAI PANDIAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 01.12.2017 for the offence punishable under Section 294(b), 307, 353 & 506(ii) of IPC in Crime No.329 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner consumed liquor in a public place and the same was questioned by the de facto complainant, who is the Sub-Inspector of Police and hence, the petitioner attacked the de facto complainant with deadly weapons and also threatened him with dire consequences.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 01.12.2017 onwards.

4.The learned Additional Public Prosecutor submitted that in the alleged occurrence nobody was sustained injuries and investigation is still pending.

5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Sections 294(b), 307, 353 & 506(ii) of IPC and he is in judicial custody from 01.12.2017. According to the prosecution, part of the investigation is completed. The learned



Additional Public Prosecutor fairly conceded that in the alleged occurrence, no one had sustained injuries. Therefore, further custodial interrogation is not necessary to complete the investigation in this case.

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, Srivaikundam.

(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/-

05/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE SUB-INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.KATHIRESAPERUMAL Advocate SR.No.171

ORDER IN
CRL OP(MD) No.122 of 2018
Date :05/01/2018