



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.143 of 2018

1 BALAMURUGAN
2 ARUMUGAM

... PETITIONERS / A-1 & A-2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION,
THENI DISTRICT.
(CRIME NO. 306 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.K.MANICKAM 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 :-

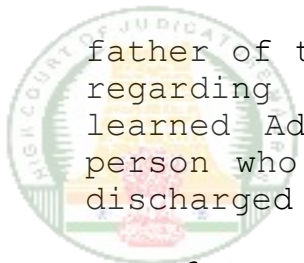
The petitioners / A1 & A2, who was arrested on 12.12.2017 for the offence punishable under Sections 341, 324 and 307 of IPC in Crime No.306 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused persons assaulted the father of the de facto complainant and caused injury to him, which resulted in registration of the present case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 12.12.2017 onwards.

4.The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital on 03.01.2018 and the investigation is still pending.

5.Considering the submissions made on either side, it seems that the petitioners were remanded to judicial custody for the offences punishable under Sections 341, 324 and 307 of IPC and they are in judicial custody from 12.12.2017. According to the prosecution, in the alleged offence, the petitioners assaulted the



father of the de facto complainant, due to the difference of opinion regarding the celebration of Muthalamman Temple festival. The learned Additional Public Prosecutor fairly represented that the person who sustained injury at the time of alleged occurrence, was discharged from the hospital on 03.01.2018.

6. Considering the above facts and circumstances of the case, custodial interrogation is not necessary for completing investigation in this case. Accordingly, this Court is inclined to grant bail to the petitioners and the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners 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, Periyakulam;

(ii) the petitioners is directed to appear before the respondent police daily at 10.00 a.m. for a period of one month ;

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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, PERIYAKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE,
JEYAMANGALAM POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.K.MANICKAM Advocate SR.No.168

ORDER IN

CRL OP(MD) No.143 of 2018

Date :05/01/2018