



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1885 of 2018

CHINNAGURUSAMY @ KUTTY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARIVALAMVANTHA NALLUR POLICE STATION,
KARIVALAMVANTHA NALLUR,
TIRUNELVELI DISTRICT.
IN CRIME NO.394 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.T.INDRACHITHU Advocate

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

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

ORDER : The Court Made the following order :-

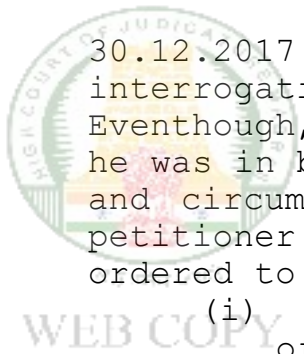
The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 27.12.2017 for the alleged offences punishable under Sections 294(b), 324, 307, 506(ii) of IPC., in Crime No.394 of 2017, seeks bail.

2. The case of the prosecution is that on 27.12.2017, due to previous enmity, the petitioner assaulted the defacto complainant by using sickle, due to which the defacto complainant sustained injuries. Hence, the case has been registered against the petitioner for the above said crime.

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

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. The petitioner is in judicial custody from 27.12.2017. As per the submission of the learned Government Advocate (Criminal side), the person, who sustained injury during the time of occurrence was discharged from the hospital on



30.12.2017 after completing treatment. Hence, further custodial interrogation may not be necessary for completing the investigation. Eventhough, the petitioner is having two previous cases, as of now, he was in bail in both cases. Therefore, considering the above facts and circumstances, 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, Sankarankovil, Tirunelveli District;
- (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 bail granted to the petitioner shall stand automatically cancelled and 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 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/-

07/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE OFFICER IN CHARGE, SUB JAIL, SANKARANKOVIL.
- 4 THE INSPECTOR OF POLICE,
KARIVALAMVANTHA NALLUR POLICE STATION,
KARIVALAMVANTHA NALLUR, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.INDRACHITHU Advocate SR.No.2036

ORDER IN

CRL OP(MD) No.1885 of 2018

Date :07/02/2018