



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1969 of 2018

MANIKANDAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.39 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.N.RAMESHARUMUGAM 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 :-

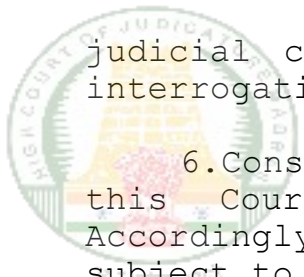
The petitioner / sole accused, who was arrested on 20.01.2018 for the offence punishable under Sections 294(b), 307 & 506(ii) IPC in Crime No.39 of 2018 pending on the file of the respondent Police seeks bail.

2.The case of the prosecution is that due to previous enmity between the petitioner's family and the de facto complainant's family, the petitioner assaulted the de facto complainant with deadly weapons and attempted to murder the de facto complainant. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 20.01.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that investigation is completed and charge sheet has been filed.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein assaulted the de facto complainant and attempted to commit murder. As of now, according to the submission of the learned Government Advocate (Crl.side) investigation is completed. Further more, the petitioner is in



judicial custody from 20.01.2018 onwards. So, further custodial interrogation may not be necessary.

6.Considering the above facts and circumstances of the case, 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 No.2, Kovilpatti;

(ii)the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of one month and thereafter, as and when required;

(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/-

08/02/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON,
PERURANI, THOOTHUKUDI DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION, TUTICORIN DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.2125

ORDER IN

CRL OP(MD) No.1969 of 2018

Date :08/02/2018