



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.1986 of 2018

KANNAN @ KARUPPASAMY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.23 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.M.S.JEYAKARTHIK 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 :-

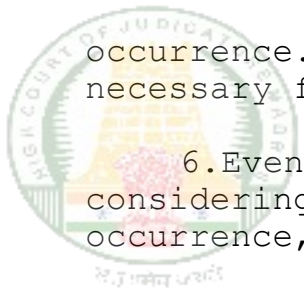
The petitioner / sole accused, who was arrested on 27.01.2018 for the offence punishable under Sections 294(b), 307 & 506 (ii) IPC in Crime No.23 of 2018 pending on the file of the respondent Police seeks bail.

2.The case of the prosecution is that due to some wordy quarrel, the petitioner herein assaulted the de facto complainant with knife and also threatened him with dire consequences. Hence, present case has been registered against the petitioner.

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 27.01.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that no one sustained injury in the alleged occurrence. He further submitted that petitioner is having 10 previous cases. According to him investigation is still pending.

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 assaulted the de facto complainant by using knife. As per the submissions of the learned Government Advocate (Crl.side), no one sustained injury in the alleged



occurrence. Therefore, further custodial interrogation may not be necessary for completing the investigation.

6. Even though, the petitioner is having 10 previous cases, considering the fact that no one sustained injury in the alleged occurrence, this Court is inclined to grant bail to the petitioner.

7. 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/-

08/02/2018

/ 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,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER IN CHARGE,
DISTRICT PRISON, PERURANI.
- 4 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.2126

ORDER IN
CRL OP(MD) No.1986 of 2018
Date :08/02/2018