



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

Friday, the Ninth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2040 of 2018

WEB COPY
VIJAYAN

... PETITIONER/ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.70 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MARK J.JACKSON, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

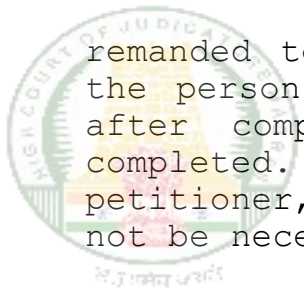
The petitioner / A3, who was arrested and remanded to judicial custody on 31.12.2017 for the offence punishable under Sections 147, 148, 450, 294(b), 324, 307 & 109 I.P.C., in Crime No.70 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.12.2017, due to previous enmity, the petitioner trespassed into the defacto complainant's house, assaulted the defacto complainant, due to which, the defacto complainant sustained injury. Hence, case has been registered for the above said offences against the petitioner, he was arrested and remanded to judicial custody.

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. He further submitted that the petitioner is in judicial custody from 31.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are six accused in this case. The petitioner herein is arrayed as A3. He further submitted that during the time of occurrence, the person, who sustained injury had been discharged from the hospital after completing the treatment. According to him, part of the investigation is completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused persons assaulted the defacto complainant, due to which, the defacto complainant sustained injury, for which on 31.12.2017 the petitioner was arrested and



remanded to judicial custody. According to prosecution, as of now the person, who sustained injury was discharged from the hospital after completing the treatment. Part of the investigation is completed. So, considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

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 No.I, Ramanathapuram.

(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/-
09/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MARK J.JACKSON Advocate SR.No.2211

ORDER IN
CRL OP(MD) No.2040 of 2018
Date :09/02/2018