



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2228 of 2018

1 MUTHUSELVAM
2 MUTHUSAMY

... PETITIONERS / ACCUSED NO.1&2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ERAL POLICE STATION,
TUTICORIN DISTRICT.
IN CR.NO.22/2018

... RESPONDENT / COMPLAINANT

For Petitioners: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 :-

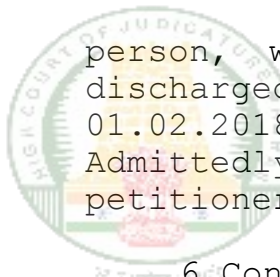
The petitioners / A1 & A2, who were arrested on 19.01.2018 for the offence punishable under Sections 448, 341, 294(b), 324, 307 & 506(ii) IPC in Crime No.22 of 2018 on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners herein have abused the de facto complainant by using filthy language and assaulted him with deadly weapons and thereby caused injuries to him. Hence, the present case has been registered.

3.The learned counsel appearing 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 a judicial custody from 19.01.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that the injured has been discharged from the hospital. 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 petitioners herein have assaulted the de facto complainant with an intention to kill him. Thereafter, they were arrested on 19.01.2018 and they are now in judicial custody. As per the submissions of the learned Government Advocate (Crl.side), the



person, who sustained injuries at the time of occurrence, was discharged from the hospital after completing treatment on 01.02.2018. The petitioners are having permanent residence. Admittedly, there is no previous antecedents against these petitioners.

6. Considering the period of incarceration of the petitioners, further custodial interrogation may not be necessary for completing the investigation.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners. Accordingly, 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) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaikundam;

(ii) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(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/-

13/02/2018

/ 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, TUTICORIN DISTRICT.
- 3 THE OFFICER IN CHARGE, DISTRICT PRISON, PERURANI.
- 4 THE INSPECTOR OF POLICE
ERAL 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.2357

ORDER IN

CRL OP(MD) No.2228 of 2018

Date :13/02/2018