



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos.265 & 266 of 2018

REJIKUMAR @ PACHAIKILI

... PETITIONER / 1st ACCUSED
IN BOTH THE PETITIONS

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KULASSEKHARAM POLICE STATION,
KANYAKUMARI DISTRICT.

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS
IN CRL OP(MD)No.265/2018
IN CRL OP(MD)No.266/2018

(CRIME NO. 382/2017)
(CRIME NO. 381/2017)

For Petitioner :M/S.M.P.SENTHIL Advocate IN BOTH THE PETITIONS
For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate(Crl. Side)
IN BOTH THE PETITIONS

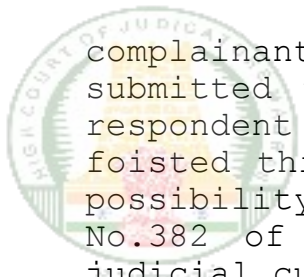
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner /A1, who was arrested on 24.11.2017 for the offences punishable under Sections 294(b), 341,324, 506(ii) and 307 I.P.C.,in Crime Nos.381 and 382 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.11.2017, the petitioner along with his friend attacked one Rajappan and sustained injuries, thereby, the said Rajappan was taking treatment in the Kulasekaram Government Hospital. In the meanwhile, on 24.11.2017, the petitioner intercepted the defacto complainant and abused the defacto complainant with filthy language stating that the defacto complainant has instigated the police authorities to arrest his friend. The petitioner attacked the defacto complainant with iron rod, which wounded the defacto complainant on his left hand. Thereby, the respondent police registered a case against the petitioner in Crime Nos. 381 and 382 of 2017 and remanded him to the judicial custody.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence. The petitioner and the defacto complainant belong to the same village and only due to the previous enmity, the defacto



complainant lodged a complaint against the petitioner. It is submitted that when the petitioner is in judicial custody of the respondent police in Crime No.381 of 2017, the police officials have foisted this false case against the petitioner. Hence, there is no possibility for the offence alleged as stated in the F.I.R in Crime No.382 of 2017. He further submitted that the petitioner is in judicial custody from 23.11.2017. Hence, he prays for bail.

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4.The learned Government Advocate(Crl.Side) submitted that due to the previous enmity, the petitioner/A1 attacked the defacto complainant with iron rod, which wounded the defacto complainant on his left and he has been admitted in the hospital. He further submitted that the injured discharged from the hospital.

5.Considering the submissions made on either side, it seems that the offences under Sections 294(b), 341,324, 506(ii) and 307 I.P.C.,in Crime Nos.381 and 382 of 2017 has been registered against the petitioner. He is in judicial custody from 24.11.2017. As per the case of the prosecution, the person sustained injuries during the time of alleged occurrence has been discharged from the hospital, after completing the investigation. Considering the above said aspects and particularly considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation.

6.Considering the gravity of nature of offence committed by the petitioner, 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, Padmanabhapuram.

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 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/-

09/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER IN CHARGE,
SUB JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE,
KULASSEKHARAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+2. CC to M/S.A.MOHAMEED HANEEF Advocate SR.Nos.404 & 405

ORDER

IN

CRL OP(MD) Nos.265 & 266 of 2018

Date :09/01/2018

MKV-PN-SAR 2/9.1.2018/3P-8C