



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2672 of 2018

1 DURAIYAPPA
2 SANKAR
3 VANUMAMALAI

... PETITIONERS/ ACCUSED NO.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.35/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.R.DURAIRAJ, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)
For Intervenor : M/S.A.THIRUVADI KUMAR, Advocate

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

ORDER : The Court Made the following order :-

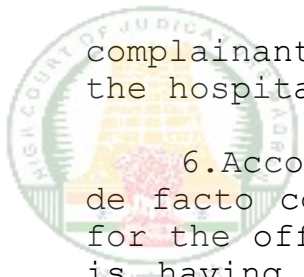
The petitioners / A1 to A3, who were arrested on 11.02.2018 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307 & 506(ii) IPC in Crime No.35 of 2018 on the file of the respondent Police, seek bail.

2.The case of the prosecution is that due to land dispute, the petitioners herein have abused the de facto complainant in filthy language and assaulted with deadly weapons and further they threatened the de facto complainant with dire consequences. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 11.02.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that the injured has been discharged from the hospital on 10.02.2018. 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 and other accused, due to previous enmity, assaulted the de facto complainant. Thereby, the de facto



complainant sustained injuries of swelling and now discharged from the hospital on 10.02.2018, after completing the treatment.

6. According to the case of the intervenor, on 24.01.2018, the de facto complainant lodged the complaint against these petitioners for the offence of sand theft. Admittedly, the de facto complainant is having the land in the Village, in which the petitioners are residing. Therefore, the entire facts show that in order to take revenge for the said complaint given by the de facto complainant, the petitioners were assaulted the de facto complainant and committed this offence. If, this type of accused are released on bail, there will be chance to tamper the witnesses and hamper the investigation.

7. Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
22/02/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
2. THE OFFICER INCHARGE, DISTRICT PRISON,
PERURANI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1.CC to M/S.A.THIRUVADI KUMAR, Advocate, SR.No.2911

ORDER
IN
CRL OP(MD) No.2672 of 2018
Date :22/02/2018

MS/PM-PN/SAR.4/05.03.2018/2P.5C