



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2677 of 2018

MADASAMY

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.73/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PRABU, Advocate

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

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

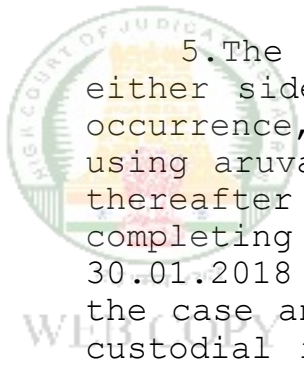
ORDER : The Court Made the following order :-

The petitioner /sole accused, who was arrested and remanded to judicial custody on 30.01.2018 for the offences punishable under Sections 448, 294(b), 307 and 506(ii) I.P.C., in Crime No.73 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to the family dispute pending between the petitioner and the defacto complainant, on 28.01.2018, the petitioner trespassed into the defacto complainant's house and abused the defacto complainant by using filthy language and also assaulted him, due to which, the defacto complainant sustained injury. Hence, a case has been registered for the above said offences.

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 and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 30.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate(Crl.Side) appearing for the State submitted that due to the family dispute, the petitioner assaulted the defacto complainant's head by using aruval and sustained injuries. The defacto complainant was discharged from the hospital on 07.02.2018, after completing the treatment. According to him, investigation is still pending.



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 assaulted the defacto complainant by using aruval, thereby, the defacto complainant sustained injury and thereafter he was discharged from the hospital on 07.02.2018, after completing the treatment. The petitioner is in judicial custody from 30.01.2018 onwards. So, considering the facts and circumstances of the case and also considering the period of incarceration, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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.II, Kovilpatti.

(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/-
20/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.PRABU Advocate SR.No.2717

ORDER IN
CRL OP(MD) No.2677 of 2018
Date :20/02/2018