



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

Wednesday, the Twenty First day of February Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP (MD) No.2753 of 2018

1 KAPPAL RAJA @ KANDASAMY  
2 MANDIRAMOORTHY

... PETITIONERS/ ACCUSED 2 & 7

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
MURAPPANADU POLICE STATION,  
THOOTHUKUDI DISTRICT.  
(CRIME NO.21 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.A.THIRUVADI KUMAR, 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 petitioners/A2 and A7, who were arrested and remanded to judicial custody on 07.02.2018 for the alleged offence punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(i) of IPC., in Crime No.21 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 07.02.2018, due to previous enmity, the petitioners and other accused waylaid the defacto complainant and A1 assaulted the defacto complainant by using rim of tube-light, A2 assaulted him by using Aruval and A7 assaulted him by using the handle of Spade on his head and caused severe injuries. Hence, the case has been registered for the above said crime.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case and they are in judicial custody from 07.02.2018. Hence, he prays for bail for the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured



has been discharged from the hospital and the investigation is going on.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners and other 5 accused in this case waylaid the defacto complainant and assaulted him by using Aruval and wooden log. Thereby, the defacto complainant sustained injuries. As of now, the person, who sustained injuries during the time of occurrence was discharged from the hospital after completing the treatment. Moreover, the petitioners are in judicial custody from 07.02.2018. So, considering the facts and circumstances, further custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioners with certain conditions. 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 shall report before the respondent police, daily at 10.00 a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not commit any offence while on bail;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned 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 learned 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/-  
21/02/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM.
  2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
  3. THE OFFICER INCHARGE, DISTRICT JAIL, PEROORANI.
  4. THE INSPECTOR OF POLICE,  
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.
  5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.2817

ORDER  
IN  
CRL OP (MD) No.2753 of 2018  
Date :21/02/2018

PJL

**MS/CM/SAR.2/21.02.2018/3P.7C**