



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3079 of 2018

RAMASAMY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CR.NO.56/2018)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.S.PANDIYARAJ Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

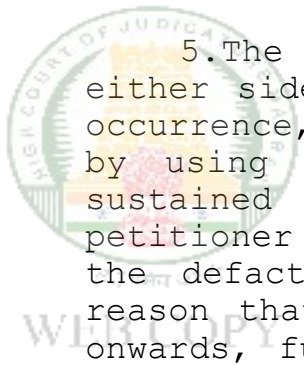
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 13.02.2018 for the offence punishable under Sections 341, 294(b), 307 and 506(ii) I.P.C., in Crime No.56 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.02.2018, when the defacto complainant was proceeding in his motorcycle, the petitioner restrained the defacto complainant, abused him by using filthy language and tried to assault the defacto complainant by using aruval. 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 did not commit any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 13.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner herein assaulted the defacto complainant by using aruval, but the defacto complaint is not sustained any injury. He further submitted that the petitioner is having six previous cases. 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 herein assaulted the defacto complainant by using with aruval. But the defacto complainant not at all sustained any injury in the alleged occurrence. Even though the petitioner is having six previous cases, considering the fact that the defacto complainant is not sustained injury and due to the reason that the petitioner is in judicial custody from 13.02.2018 onwards, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6.Considering the above facts and circumstances, 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.III, Thoothukudi.

(ii)the petitioner is directed to appear before the respondent police daily twice i.e daily at 10.00 a.m. and evening at 5.00 p.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/-

27/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 THE OFFICER IN CHARGE, PERUNANI, THOOTHUKUDI DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.PANDIYARAJ Advocate SR.No.3107

ORDER IN

CRL OP(MD) No.3079 of 2018

Date :27/02/2018