



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

Friday, the Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3323 of 2018

CHANDRAN @ TOOKU CHANDRAN

... PETITIONER / A-8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
KANYAKUMARI.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.PRAVEEN, 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 :-

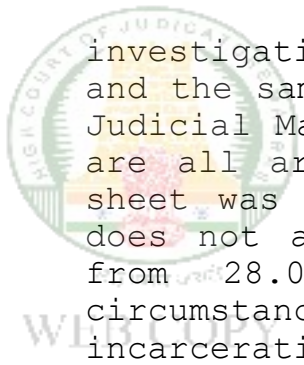
The petitioner/A8, who was arrested and remanded to judicial custody on 28.07.2017 by the respondent police for the alleged offences punishable under Sections 147, 148, 149, 449, 342, 294(b), 506(ii), 120(b) and 302 of IPC., in Crime No.238 of 2015, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 20.07.2015, when the defacto complainant and his son-in-law were in their office, six unknown persons unlawfully entered into their office and assaulted the deceased on his head by using chopper and abused them by using filthy language. Hence, the present case has been registered against the petitioner and other accused persons.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he is no way connected with the alleged offence and pleads for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that totally the petitioner has two previous cases. He further submitted that after completing investigation, charge sheet has been filed before the Court concerned and the same was taken on file as P.R.C.No.9 of 2017 by the learned Judicial Magistrate No.I, Nagercoil.

5. The submissions made by the learned counsels appearing for either side are considered. The petitioner was arrested and remanded to judicial custody from 28.07.2017. As of now, after completing



investigation charge sheet has been filed before the Court concerned and the same was taken on file as P.R.C.No.9 of 2017 by the learned Judicial Magistrate No.I, Nagercoil. The other accused in this case are all arrested and released on bail. Thereby, since the charge sheet was filed in this case, question of custodial interrogation does not arise. Moreover, the petitioner is in judicial custody from 28.07.2017. Thereby, considering the above facts and circumstances, particularly, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with some conditions. 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.I, Nagercoil;

(ii) the petitioner shall report before the Court concerned daily at 10.00 a.m., until further orders;

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

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

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

(vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and the learned 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/-

02/03/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION, KANYAKUMARI.
4. THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.PRAVEEN Advocate SR.No.3336

ORDER IN

CRL OP(MD) No.3323 of 2018

Date : 02/03/2018