



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

Monday, the Fifth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3385 of 2018

ARUNKUMAR

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT,
IN CR.NO. 84/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PRABU Advocate
For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

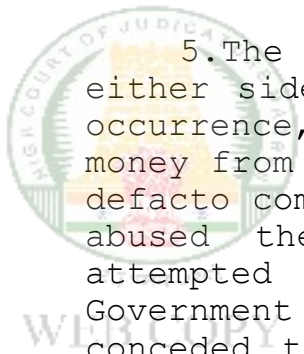
ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 19.02.2018 for the offence punishable under Sections 294 (b), 387, 506(ii) and 307 I.P.C., in Crime No.84 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while the defacto complainant was standing in the bus stop, the petitioner along with another accused came in a Motor Cycle, stopped the bike near the defacto complainant and demanded money from the defacto complainant. When it was refused by the defacto complainant, at that time, the petitioner and another accused abused the defacto complainant by using filthy language, assaulted him with aruval and also threatened him with dire consequences. 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 been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. He further added that the petitioner is in judicial custody from 19.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are two accused in this case. The petitioner herein is arrayed as A2. He further submitted that no previous case is pending against this petitioner. According to him, investigation is till 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 and one another accused demanded some money from the defacto complainant. When the same was refused by the defacto complainant, the petitioner and another accused in this case abused the defacto complainant by using filthy language and attempted to kill him. According to prosecution, the learned Government Advocate (Criminal Side) appearing for the State fairly conceded that in the alleged occurrence no one sustained injury. Now, considering the submission made by the learned Government Advocate(Crl.Side) and also considering the fact that the case has been registered for the offence under Section 307 I.P.C, it is nothing but unwarranted. The petitioner is the first offender. Further, the petitioner is in judicial custody from 19.02.2018 to till date. considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6.Therefore, considering the above facts and circumstances of the case, 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.I, 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/-
05/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER IN CHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI.

4 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.PRABU Advocate SR.No.3474

ORDER

IN

CRL OP(MD) No.3385 of 2018

Date :05/03/2018

MKV-PM-PN-SAR 4/5.3.2018/3P-7C