



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

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3633 of 2018

1 DURAIYAPPA
2 SANKAR
3 VANUMAMALAI

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(CR.NO.35/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.S.JEYAKARTHIK for M/S.S.R.DURAIRAJ Advocate

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

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

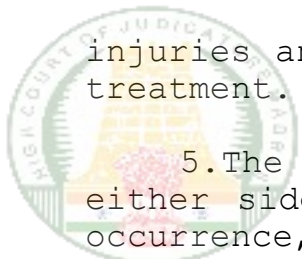
ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to Judicial Custody on 11.02.2018, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 & 506(ii) I.P.C., in Crime No.35 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to land dispute, the petitioners herein abused the defacto complainant by using filthy language and assaulted him with deadly weapons and also threatened the defacto complainant with dire consequences. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that they have not committed any offence as alleged by the prosecution. The petitioners are in judicial custody from 11.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that during the time of occurrence, due to land dispute, the petitioners and other accused assaulted the defacto complainant, due to which, the defacto complainant sustained



injuries and now discharged from the hospital, after completing the treatment. 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, due to property dispute, the petitioners herein assaulted the defacto complainant, thereby, the defacto complainant sustained injury and after getting treatment, he was discharged from the hospital on 15.02.2018 itself. In the above circumstances, the petitioners are in judicial custody from 11.02.2018 onwards. So, considering the period of incarceration of the petitioners, further custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioners. 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 are directed to appear before the respondent police daily at 10.00 a.m. until further orders.

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

08/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE SUPERINTENDENT, DISTRICT PRISON, PERURANI
- 4 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.3740

ORDER IN

CRL OP(MD) No.3633 of 2018

Date :08/03/2018