



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.3643 of 2018

VENKATESAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT ,
IN CR.NO. 8/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.SARAVANAN Advocate

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

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

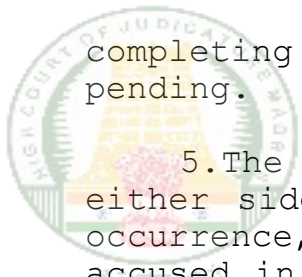
ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 05.01.2018, for the offence punishable under Sections, 294(b), 355, 325, 506(ii), 307 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.08 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to family property dispute, the petitioner and second accused in this case, entered into the house of the defacto complainant and made a quarrel with her, in which the first accused slapped the defacto complainant with chappal and second accused caused cut injuries to the defacto complainant with 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 has been falsely implicated in this case, further added that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 05.01.2018 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 and as of now the injured discharged from the hospital, after



completing the treatment. 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, due to property dispute, the petitioner and another one accused in this case assaulted the defacto complainant by using the chappal and aruval, thereby, the defacto complainant sustained injuries. After completing the treatment, the defacto complainant was discharged from the hospital on 19.01.2018. In this circumstances, the petitioner is in judicial custody from 05.01.2018 onwards. So, considering the gravity of offence committed by the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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, , Pattukkottai.

(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;

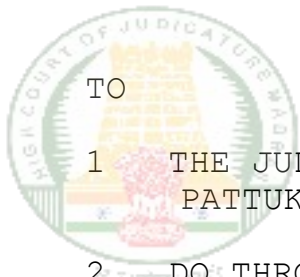
(iv) the petitioner shall not abscond either during investigation or trial;

(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/-
08/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT ,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

5 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY

+1. CC to M/S.A.SARAVANAN Advocate SR.No.3689

msa

JAM/09/03/2018/ PM-PN / SAR 4/ 3p-7c

ORDER

IN

CRL OP (MD) No.3643 of 2018

Date :08/03/2018