



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3719 of 2018

SEKAR @ CHAIRMAKANI

... PETITIONER / ACCUSED

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SANKAR 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 :-

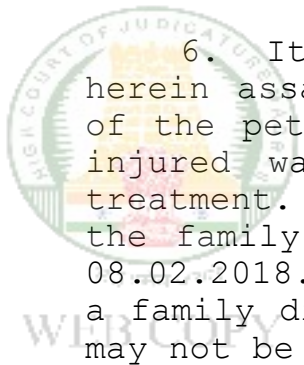
The petitioner, who is arrayed as accused, was arrested and remanded to judicial custody on 08.02.2018 for the offences punishable under Section 294(b), 307 and 506(ii) of IPC in Crime No.36 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to the family dispute, the petitioner is said to have abused the defacto complainant in filthy language and also assaulted him with Aruval and caused grievous injuries. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 08.02.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was discharged from the hospital and the investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered.



6. It is alleged during the time of occurrence, the petitioner herein assaulted the defacto complainant, who is the father-in-law of the petitioner, and caused grievous injuries. As of now, the injured was discharged from the hospital, after completing the treatment. Moreover, the alleged occurrence was happened only due to the family dispute and the petitioner is in judicial custody from 08.02.2018. Considering the period of incarceration and also it is a family dispute, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent 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, Alangulam, Thirunelveli District;

(ii) the petitioner shall stay at Palani and report before the Inspector of Police, Town Police Station, Palani, 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/-

09/03/2018

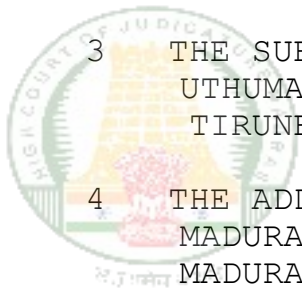
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
TIRUNELVELI DISTRICT



- 3 THE SUB INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

COPY TO:-

- 1 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, PALANI
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI

+1. CC to M/S.M.SANKAR Advocate SR.No.3828

TRP
JAM/09/03/2018/ PM-PN / SAR 4 / 3P-8C

ORDER
IN
CRL OP(MD) No.3719 of 2018
Date :09/03/2018