



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

Wednesday, the Twenty First day of March Two Thousand and Eighteen

PRESENT

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The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3793 of 2018

POOPANDI

... Petitioner / Sole Accused

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ILANCHEMPUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.6 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK, 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, who is arrayed as sole accused, was arrested and remanded to judicial custody on 26.02.2018 for the offences punishable under Sections 294(b), 324 and 307 IPC in Crime No.06 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous motive, the petitioner is said to have assaulted the defacto complainant by using deadly weapons and also abused him in filthy language. 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 26.02.2018.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the injured was discharged from the hospital and the investigation is pending.

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

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6. It is alleged, during the time of celebrating the temple festival, there was a wordy quarrel arose between the petitioner and the defacto complainant, due to which, the petitioner throwing the petrol bomb on the defacto complainant. The petitioner is in judicial custody from 26.02.2018. As of now, the injured was discharged from the hospital. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that the further detention is not 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, Muthukulathoor;

(ii) the petitioner shall 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/-
21/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
MUTHUKULATHOOR,

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER IN CHARGE,
SUB-JAIL,
MUTHUKULATHOOR.

4 THE INSPECTOR OF POLICE,
ILANCHEMPUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.4535.

ORDER

IN

CRL OP(MD) No.3793 of 2018

Date :21/03/2018

SDS/PN/SAR.2/22.03.2018/3P/7C