



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

Wednesday, the Fourteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3986 of 2018

1 MAHARAJAN

2 THANGAVEL

... Petitioners/Accused No.2 & 4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT,
IN CR. NO. 44/2018.

... Respondent/Complainant

For Petitioner : M/S.M.JEGADEESH PANDIAN 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, who are arrayed as accused Nos.2 and 4, were arrested and remanded to judicial custody on 16.02.2018 for the offences punishable under Sections 294(b), 353, 332, 307 and 506(ii) IPC in Crime No.44 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners are said to have assaulted the defacto complainant by using Aruval and also abused him in filthy language. Thus, on complaint, a case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 16.02.2018. Hence, he plays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted 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.

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6. It is alleged, during the time of celebrating the local function, the petitioners along with other two accused assaulted the defacto complainant by using Aruval, due to which, the defacto complainant sustained simple injury. As of now, the injured was discharged from the hospital, after completing the treatment. The petitioners are in judicial custody from 16.02.2018. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioners on bail subject to some stringent conditions. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(I) each of the the petitioners 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, Ambasamudhram, Thirunelveli District.

(ii) the petitioners shall 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 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/-

14/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE ,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.4061.

ORDER

IN

CRL OP (MD) No.3986 of 2018

Date :14/03/2018

SDS/PN/SAR.2/14.03.2018/3P/7C