



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.4009 of 2018

BALAMURUGAN

... Petitioner/Accused No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
TIRUCHENDUR TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT,
IN CR.NO. 36/2018.

... Respondent/Complainant

For Petitioner : M/S.S.MUNIYANDI, Advocate

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

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

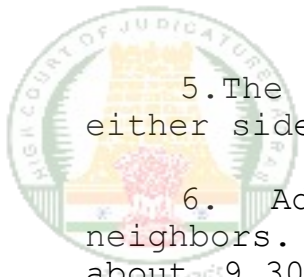
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, was arrested and remanded to judicial custody on 21.02.2018 for the offences punishable under Sections 294(b), 323, 307 and 506(ii) 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 dispute over pathway, the petitioner and other accused are said to have assaulted the defacto complainant by using paver block stone 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 21.02.2018. Hence, he prays 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.

6. Admittedly, the petitioner and the defacto complainant are neighbors. Due to the dispute over the pathway, on 20.20.2018, at about 9.30 hours the petitioner and other accused assaulted the defacto complainant by using paver block stone and also abused him in filthy language, thereby, the defacto complainant has sustained simple injury. As of now, the injured was discharged from the hospital and the petitioner is in judicial custody from 21.02.2018. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and that the petitioner is in judicial custody from 21.02.2018, 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, Thiruchendur;

(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;

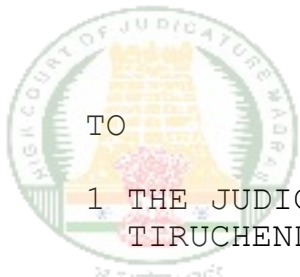
(iv) the petitioner shall not abscond either during investigation or trial;

(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/-
14/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR,

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHENDUR.

3 THE SUPERINDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
TIRUCHENDUR TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.4072.

ORDER

IN

CRL OP (MD) No.4009 of 2018

Date :14/03/2018

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