



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

Tuesday, the Twentieth day of March Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4358 of 2018

POOLPANDI

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 24/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SADAGOBAN RENGASAMY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

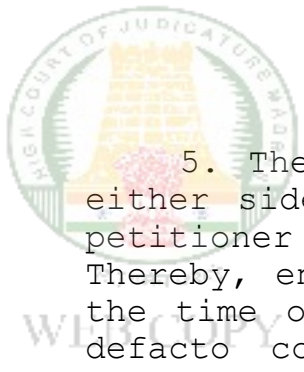
ORDER : The Court Made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 24.01.2018 for the alleged offences punishable under Sections 294(b), 307 and 506(ii) of IPC., in Crime No.24 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.01.2018, due to previous enmity, the petitioner abused the defacto complainant by using filthy language, assaulted him by using Aruval, caused severe injuries and made a life threat to him. Hence, the case has been registered against the petitioner for the above said crime.

3.The learned counsel representing the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital on 16.02.2018. According to the prosecution, the investigation is in progress.



5. The submissions made by the learned counsels appearing for either side are considered. Prior to the alleged occurrence, the petitioner and the defacto complainant quarrelled with each other. Thereby, enmity arose between them, due to which, on 23.01.2018, at the time of occurrence, the petitioner with intention to kill the defacto complainant assaulted the defacto complainant by using Aruval and caused multiple injuries all over his body. Thereafter, on 24.01.2018, he has been arrested and remanded to judicial custody. According to the prosecution, as of now, the defacto complainant is discharged from the hospital on 16.02.2018 after completing treatment. Admittedly, the petitioner is the first offender. So, considering the period of incarceration and other facts and circumstances, this Court came to the conclusion that further detention is not required for filing final report. Hence, this Court is inclined to grant bail to the petitioner with some 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;

(ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not commit any offence while on bail;

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

(vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and the learned 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/-
20/03/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE, ALANGULAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
UTHUMALAI POLICE STATION, TIRUNELVELI DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI

+1. CC to M/S.S.MUTHU MALAI RAJA Advocate SR.No.4377

SDS/PN/SAR-2-20.3.18-3P-7C

ORDER

IN

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Date :20/03/2018