



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

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

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP (MD) No.4434 of 2018

KAMALESH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY  
THE SUB INSPECTOR OF POLICE,  
TENKASI POLICE STATION,  
TIRUNELVELI DISTRICT.  
IN CR.NO. 126/2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SOLAISAMY 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 05.03.2018 for the offences punishable under Sections 341, 294(b), 307 and 506(ii) IPC in Crime No.126 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 Aruval 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 05.03.2018.

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.

6. It is alleged that due to previous motive, the petitioner assaulted the defacto complainant by using Aruval and caused multiple injuries and also abused him in filthy language. The alleged occurrence was happened on 02.03.2018 and subsequently, the injured was discharged from the hospital on 10.03.2018. The petitioner is in judicial custody from 05.03.2018. 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, Tenkasi;

(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].

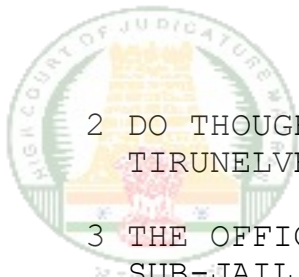
sd/-  
21/03/2018

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

TO

1 THE JUDICIAL MAGISTRATE,  
<https://hcservices.courts.gov.in/hcservices/>  
TENKASI,  
TIRUNELVELI DISTRICT.



2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

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

4 THE SUB INSPECTOR OF POLICE,  
TENKASI POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.SOLAISAMY Advocate SR.No.56732.

ORDER  
IN  
CRL OP (MD) No.4434 of 2018  
Date :21/03/2018

SDS/PN/SAR.4/21.03.2018/3P/7C