



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

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4581 of 2018

SIVA

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.107 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.A.RAMACHANDHRAN Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

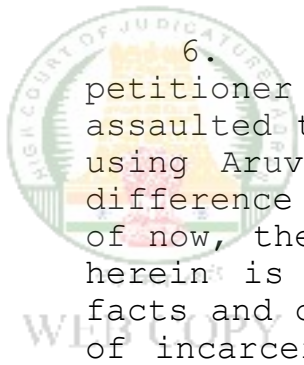
The petitioner, who is arrayed as sole accused, was arrested and remanded to judicial custody on 07.03.2018 for the offences punishable under Sections 294(b), 307 and 506(ii) IPC and Section 4 of TNPWH Act, in Crime No.107 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to domestic dispute, the petitioner is said to have abused the defacto complainant, who is the mother in law of the petitioner herein, in filthy language and also assaulted her with Aruval. Hence, on complaint, a case has been registered against the petitioner.

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 07.03.2018.

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

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



6. It is alleged, during the time of occurrence, the petitioner being the son-in-law of the defacto complainant assaulted the victim, who is the mother-in-law of the petitioner by using Aruval. The alleged occurrence was happened only due the difference of opinion made between the petitioner and his wife. As of now, the injured was discharged from the hospital. The petitioner herein is in judicial custody from 07.03.2018. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that further detention is not necessary for completing the investigation. Hence, this Court 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 am 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/-

23/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTAI.
- 4 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.R.A.RAMACHANDHRAN Advocate SR.No.4702

ORDER IN

CRL OP(MD) No.4581 of 2018

Date :23/03/2018