



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4770 of 2018

1 MANIKANDAN

2 VENKATACHALAM

... PETITIONERS/ACCUSED NOS.1&3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ALANGULAM POLICE STATION,

TIRUNELVELI DISTRICT.

IN CR.NO. 174/2018

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.A.R.JEYARHUTHRAN FOR

M/S.M.JEGADEESHA PANDIAN 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 petitioners, who are arrayed as accused Nos.1 and 3, were arrested and remanded to judicial custody on 17.03.2018 for the offences punishable under Sections 294(b), 353, 323, 307 and 506(ii) IPC in Crime No. 174 of 2018 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners herein are said to have abused the defacto complainant in filthy language and also assaulted him and caused severe injuries. Hence, on complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit the investigation is pending.



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

6. It is alleged, during the time of alleged offence, the petitioners stopped the Car near Alangulam Bus-Stand for urinating in the road side. On seeing that, the defacto complainant, who is the Sub Inspector of Police, abused them and ultimately, he assaulted the petitioners. In order to substantiate the same, the learned counsel appearing for the petitioners enclosed the list of injuries sustained by the first petitioner. Moreover, according to the submission made by the learned Government Advocate (Crl. Side) it appears that the defacto complainant, who has sustained injury in the said case was treated as out-patient, at the time of getting treatment. Considering the above said aspect 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 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 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, Alangulam.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
27/03/2018

/ TRUE COPY /

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



TRP
TO

1 THE JUDICIAL MAGISTRATE, ALANGULAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
ALANGULAM 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.M.JEGADEESHA PANDIAN Advocate SR.No.4833

GJM/MM/PN/SAR-I-27.3.18-3P-7C

ORDER

IN

CRL OP(MD) No.4770 of 2018

Date :27/03/2018