



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

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4923 of 2018

PARAMASIVAM

... PETITIONER / sole ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SANKARANKOVIL TOWN POLICE STATION,
SANKARANKOVIL, TIRUNELVELI DISTRICT ,
IN CR.NO. 598/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.SELVA 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 04.03.2018 for the offence punishable under Sections 294(b), 324, 307 and 506(ii) IPC in Crime No.598 of 2017, on the file of the respondent police, seeks bail.

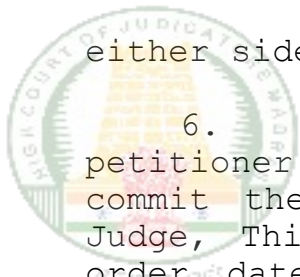
2. The case of the prosecution is that due to previous motive, the petitioner assaulted the husband of the defacto complaint with Aruval and caused injuries to him and thereby, attempted to kill the defacto complainant and also threatened him with dire consequences. Thus, on complaint, a case has been 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 04.02.2018.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was discharged from the hospital and investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

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 assaulted the defacto complainant with an intention to commit the offence of murder. The learned Principal Sessions Judge, Thirunelveli granted interim bail to the petitioner vide order dated 17.11.2017, with a direction to appear before the learned Judicial Magistrate, Valparai, daily at 10.00 am. Due to the death of petitioner's father on 25.11.2017, he could not comply with the condition as imposed by the said Court and thereby, Non-Bailable Warranted was issued against the petitioner and thereafter, he was arrested and remanded to judicial custody on 04.03.2018. Even though the petitioner is having three previous cases, in all the cases he is now on bail. Further, the injured in this case was discharged from the hospital.

7. 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. However, the alleged offence committed by the petitioner is a heinous one, this Court is inclined to enlarge the petitioner on bail 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, Sankarankoil.

(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 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/-
28/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOIL, TIRUNELVELI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
SANKARANKOVIL TOWN POLICE STATION,
SANKARANKOVIL, TIRUNELVELI DISTRICT ,

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

5 THE SUPERINTENDENT, CENTRAL JAIL,
PALAYAMKOTTAI, TIRUNELVELI

+1. CC to M/S.V.SELVA Advocate SR.No.5092

TRP

JAM/28/03/2018/ MM-PN / SAR 1/ 3P-7C

ORDER

IN

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Date :28/03/2018