



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.812 of 2018

1 RAJA @ AMMAVASAI
2 VASIMALAI
3 THANGARAJ
4 MURUGAPANDI

... PETITIONERS/ACCUSED No.2,3,24,25

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.535 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.MITHUN CHAKRAVARTHI, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

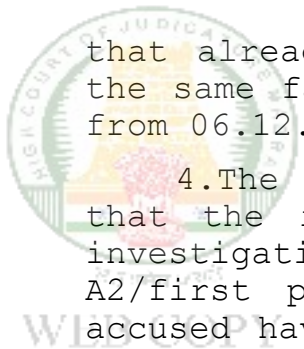
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A2, A3, A24 & A25, who were arrested and remanded to judicial custody on 06.12.2017 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506 (ii) of IPC in Crime No.535 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are neighbours and due to previous quarrel between the families of the petitioners and the defacto complainant, the petitioners assaulted the defacto complainant with deadly weapons and pelted stone on the defacto complainant, due to which the defacto complainant sustained injuries. Hence, the case has been registered for the above said offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the present complaint has been given by the defacto complainant in order to wreck vengeance for the earlier family dispute. He further submitted



that already three cases were pending against the petitioners for the same family dispute. The petitioners are in judicial custody from 06.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal side) submitted that the injured has been discharged from the hospital and the investigation is still pending. He would further submit that A2/first petitioner is having six previous cases and the other accused have no previous case. In this case, totally there are 25 accused involved in the occurrence and 11 accused were arrested and 14 were still absconding and the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. The petitioners are remanded to judicial custody on 06.12.2017 for the offences punishable under Sections 147, 148, 294 (b), 323, 324, 307 and 506(ii) of IPC. It is alleged that during the time of occurrence, due to the family dispute, the petitioners herein joined together with the other several persons, assaulted the defacto complainant and committed this offence. As of now, 11 accused persons involved in this case were arrested and two accused were already released on bail. Except, these petitioners, the remaining accused are still absconding. According to the prosecution, the person, who sustained injuries during the time of alleged occurrence was discharged from the hospital after completing treatment. So, considering the period of detention, further custody of the petitioners is not necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i)the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti;

(ii)the petitioners are directed to 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/-
18/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION, MADURAI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

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

+1. CC to M/S.A.MITHUN CHAKRAVARTHI Advocate SR.No.879

ORDER

IN

CRL OP(MD) No.812 of 2018

Date :18/01/2018

PK/PM-PN/SAR-1/18.01.2018 : 3P/7C