



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.853 of 2018

S.SURESHKUMAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

IN CRIME NO.13 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.PRABHAKARAN Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

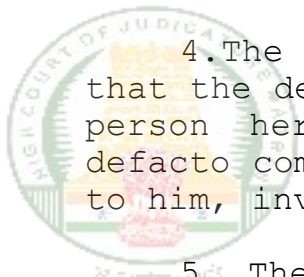
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 07.01.2018 for the offence punishable under Sections 341, 294(b), 323, 353, 506(i) of I.P.C. and Section 4 of TNPPDL Act, 1992 and it was altered into Sections 341, 294(b), 323, 353, 506(i), 225 I.P.C., and Section 3 of TNPPDL Act, 1992, in Crime No.13 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the Inspector of Police, All Women Police Station, Ambasamudram. On 07.01.2018, the accused person waylaid the defacto complainant, abused with filthy language, threatened her with dire consequences and also damaged the defacto complainant's walkie Talkie. So, the defacto complainant lodged a complainant against the accused, he was arrested and remanded to judicial custody.

3.The learned counsel for the petitioner would submit that the petitioner is is an innocent person, he is an advocate practicing in Ambasamudram Bar Association. The petitioner has been falsely implicated in this case. He further submitted that he is in judicial custody from 07.01.2018 onwards. Hence, he prays for bail.



4. The learned Government Advocate (Criminal side) submitted that the defacto complainant is the Inspector of Police. The accused person herein waylaid the defacto complainant and damaged the defacto complainant's walkie talkie, worth about Rs.400/-. According to him, investigation is not completed.

5. The submissions made by the learned counsel on either side are considered. It seems that on 07.01.2018, the petitioner was surrendered and remanded to judicial custody for the offences punishable under Sections 341, 294(b), 323, 353, 506(i) of I.P.C., Section 4 of TNPPDL Act, 1992 and it was altered into Sections 341, 294(b), 323, 353, 506(i), 225 I.P.C. and Section 3 of TNPPDL Act, 1992. Further, it is added on the side of the petitioner that the petitioner is the first offender. So, considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore this Court is inclined to grant bail to the petitioner. 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, Ambasamudram;

(ii) the petitioner is directed to appear before the Thallakulam police station 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/-
22/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI

COPY TO:-

THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, THALLAKULAM,
MADURAI

+1. CC to M/S.K.PRABHAKARAN Advocate SR.No.1014

JAM/22/01/2018/PM-PN/ SAR 4 / 3P-8C

ORDER

IN

CRL OP (MD) No.853 of 2018

Date :22/01/2018