



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.889 of 2018

S.AYAPPAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO. 664/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.H.VELAVADHAS, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

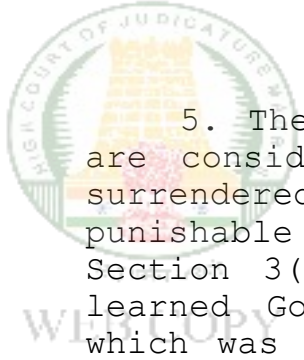
The petitioner/A2, who was arrested and remanded to judicial custody on 15.12.2017 for the offence punishable under Sections 147, 148, 294(b), 506(ii) of I.P.C. and Section 3(1) of TNPPDL Act, in Crime No.664 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to the religious dispute between the two villagers, the petitioner and other accused persons have damaged the doors of the defacto complainant's house with stick and iron road, worth about Rs.30,000/-.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he is ready to abide any condition imposed by this Court. He further submitted that the petitioner is in judicial custody from 15.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal side) submitted that due to religious dispute between the two villagers, the petitioner and other accused have damaged the window glass of the defacto complainant's house, which was worth about 25,000/-.

According to him investigation is not completed. Hence, he vehemently opposed to grant bail to the petitioner.



5. The submissions made by the learned counsel on either side are considered. It seems that on 15.12.2017, the petitioner was surrendered and remanded to judicial custody for the offences punishable under Sections 147, 148, 294(b), 506(ii) I.P.C., and Section 3(1) of TNPPDL Act. As per the submission made by the learned Government Advocate(Criminal Side), the material object, which was damaged by the petitioner and other accused involved in this case was recovered. Hence, considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner is not necessary for completing the investigation. Now, the petitioner is willing to deposit the portion of damage amount in Crime No.664 of 2017 before the Judicial Magistrate, Eraniel, Kanyakumari District, without prejudice to his defence before the trial Court. 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 Court, Eraniel, Kanyakumari District;

(ii) The petitioner shall deposit a sum of Rs.3,000/- in Crime No.664 of 2017 before the Judicial Magistrate, Eraniel, Kanyakumari District, without prejudice to his defence before the trial Court.

(iii) the petitioner is directed to appear before the respondent police station daily at 10.00 a.m. until further orders;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) 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

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



TO

1. THE JUDICIAL MAGISTRATE, ERANIEL,
KANYAKUMARI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE OFFICER INCHARGE, DISTRICT PRISON, NAGERCOIL,
KANYAKUMARI DISTRICT.

4. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.H.VELAVADHAS Advocate SR.No.1068

ORDER

IN

CRL OP(MD) No.889 of 2018

Date :22/01/2018

MS/PM-PN/SAR.4/22.01.2018/3P.7C