



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

Wednesday, the Eleventh day of April Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5721 of 2018

MUNDAN

... PETITIONER / 4th ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICESTATION,
THOOTHUKUDI DISTRICT. CR.NO.73/2018. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : M/S. A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

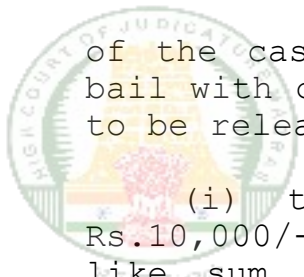
The petitioner is arrayed as 4th accused . He was arrested and remanded to judicial custody on 27.03.2018 for the offences punishable under Sections 147, 148, 294(b), 506(ii) & 307 IPC in Crime No.73 of 2018, on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that due to the previous motive, the defacto complainant's son was restrained by the accused persons and abused by using filthy languages and attacked by using hands and caused severe life threat with dire consequences. Therefore, based on the complaint lodged by the defacto complainant, a case has been registered against the petitioner along with other accused persons.

3.The learned counsel appearing for the petitioner submitted that due to previous enmity a false case has been registered and that the petitioner has not committed any offence as alleged by the prosecution and prays for bail in favour of the petitioner.

4.The learned Government Advocate(Criminal Side) has strongly opposed the grant bail to the petitioner on the ground that the petitioner is having previous case.

5. This Court went through the facts of this case. No injury has been caused to the victim. Taking note of the background facts



of the case, this Court is inclined to enlarge the petitioner on bail with certain 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned District Judicial Magistrate, Srivaikundam.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) the petitioner shall not abscond.

(iv) 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/-

11/04/2018

/ TRUE COPY /

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

TO

1 THE DISTRICT JUDICIAL MAGISTRATE,
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI.

4 THE INSPECTOR OF POLICE,
SRIVAİKUNDAM POLICESTATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.5922.

ORDER

IN

CRL OP(MD) No.5721 of 2018

Date :11/04/2018