



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

Tuesday, the Tenth day of April Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.5622 of 2018

UDHAYAKANTH

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VEERANVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR NO. 32/2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.VINOTH BHARATHI Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl. Side)

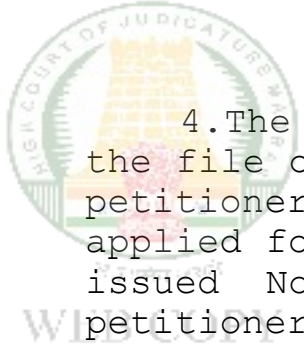
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested by the respondent police on 15.09.2017 based on the Non-Bailable Warrant issued by the learned Judicial Magistrate, Cheranmahadevi and remanded to judicial custody. The case against him is for the offences punishable under Sections 341, 294(b), 323 and 506(i) IPC altered into Sections 341, 294(b), 323, 506(ii) and 302 IPC, in S.C.No.668 of 2017, on the file of the IV Additional Sessions Court, Tirunelveli. He seeks bail.

2.The case of the prosecution is that on 20.02.2016, the deceased and his family members went to worship their family deity, at that time, the petitioner and second accused in this case, had made wordy quarrel with the deceased, due to which, the petitioner and the second accused assaulted the deceased by using the black stone, dragged him towards a plant and threw him in the water.

3. Heard both sides.



4.The petitioner is facing trial in S.C.No.668 of 2017 on the file of the IV Additional Sessions Court, Tirunelveli. The petitioner was originally granted bail. Since the sureties applied for cancellation of their sureties, the Court below had issued Non-Bailable Warrant against the petitioner. The petitioner did not abscond. In fact, he was inside jail when the warrant was executed.

5.Taking note of the above said facts and circumstances, this Court is inclined to enlarge him 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, out of which, one surety must be Government employee, each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi. This condition is imposed taking note of the objection raised by the learned Government Advocate (Criminal side) that there are as many as 16 previous cases pending against the petitioner.

(ii)The petitioner shall appear before concerned Court regularly in all future hearings without fail

(iii)The petitioner shall not abscond.

(iv)On breach of any of the aforesaid conditions, the learned 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 learned 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/-
10/04/2018

/ TRUE COPY /

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

SMN2
TO

1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI

<https://hcservices.ecourts.gov.in/hcservices/>
2 THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE
VEERANVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI

+1. CC to M/S.R.VINOTH BHARATHI Advocate SR.No.5786

GJM/CM/VR/SAR-I-10.4.18-3P-7C

ORDER

IN

CRL OP (MD) No.5622 of 2018

Date :10/04/2018