



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

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

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PRESENT

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

CRL OP (MD) No.6690 of 2018

KUTTI @ SUKUMAR

... PETITIONER/ ACCUSED -2

Vs

THE STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE
ADIVARAM POLICE STATION,
CR NO. 70 OF 2018,
DINDIGUL DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.R.PONNUTHAI 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 is arrayed as Accused No.2. He was arrested on 04.04.2018 by the respondent police and remanded to judicial custody. The case against him is for the offences punishable under Sections 294(b), 342 and 307 IPC, in Crime No.70 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the de-facto complainant is residing in the Palani Kurumbar Mutt with his family and that the E.B. Service wire is running through the Tea Stall of the petitioner herein and when the electricity people asked them to remove the Tin sheet and when the de-facto complainant's wife and the mother-in-law asked the petitioner to remove the same, he scolded them and also attacked them. On 04.04.2018 at 2.00 p.m., when the de-facto complainant questioned the attack of his wife and the mother-in-law, the accused abused him in filthy language and stabbed him with a knife on his backside.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not



committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal side) submitted that the injured in this case had already been discharged from the hospital and there is no previous case registered against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the injured in this case had already been discharged from the hospital, 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 Judicial Magistrate, Palani.

(ii) The petitioner shall 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 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/-

24/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, PALANI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE SUB INSPECTOR OF POLICE
ADIVARAM POLICE STATION, DINDIGUL DISTRICT



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

5 THE OFFICER INCHARGE, SUB JAIL, PALANI.

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+1. CC to M/S.C.R.PONNUTHAI Advocate SR.No.6987

GJM/CM/VR/VK/24.4.18-3P-7C

ORDER

IN

CRL OP(MD) No.6690 of 2018

Date :24/04/2018