



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

Wednesday, the Fifth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21519 of 2018

MURUGAN

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
SUTHAMALLI, TIRUNELVELI DISTRICT.
(CRIME NO.441/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.PRAGALATHAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 18.11.2018 for the offence punishable under Sections 294(b), 307 and 506 (ii) I.P.C., in Crime No.441 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to some dispute the petitioner attempted to attack the defacto complainant with aruval and he abused the defacto complainant with filthy language.

3.The learned counsel for the petitioner would submit that there was a dispute between the defacto complainant and the petitioner's uncle Krishnamoorthy with regard to sewage channel. Since the petitioner was sided with his uncle, this case has been foisted against him.

4. The learned Government Advocate (Crl.side) would submit that there is a case in counter and no one has sustained injury in this case.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Court, Cheranmahadevi, Tirunelveli District, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE COURT,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
SUTHAMALLI, TIRUNELVELI DISTRICT.
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.N.PRAGALATHAN Advocate SR.No.22706
PS/VR-MMS/SAR-4/06/12/2018/2P/7C

ORDER
IN
CRL OP(MD) No.21519 of 2018
Date :05/12/2018