



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16663 of 2017

UDAYAKUMAR

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 11/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SELVARAJ Advocate

For Respondent : MR.K.S.DURAI PANDIAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

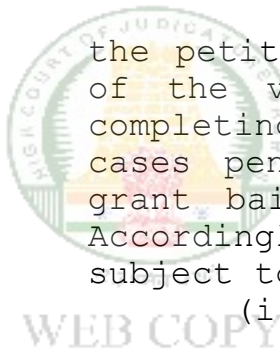
The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 09.01.2017 for the alleged offences punishable under Sections 147, 148, 452, 294(b), 302 and 506(ii) IPC., altered into 120(b), 147, 148, 452, 294(b), 302 and 506(ii) of IPC., in Crime No.11 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.01.2017, due to previous vengeance the petitioner along with other accused persons unlawfully assembled before the deceased house with deadly weapons and entered into the house belongs to the deceased and assaulted with aruval and caused the death. Thereafter the accused persons were arrested and remanded to judicial custody. On complaint, case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. He further submitted that the Detention Order already passed against the petitioner was quashed by the competent authority and he has also produced a copy of the same.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for



the petitioner that the Detention Order was quashed, this Court is of the view that custodial interrogation is not necessary for completing the investigation. However, considering the previous cases pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain stringent 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, Shencottai;
- (ii) the petitioner shall report before the investigation officer, daily twice, at 10.00 a.m. and 05.00 p.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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 and the bail granted stands cancelled automatically.

sd/-

02/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SHENCOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
PULIYARAI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SELVARAJ Advocate SR.No.40001

ORDER IN
CRL OP(MD) No.16663 of 2017
Date :02/01/2018