



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21865 of 2018

ESAKKIAPPAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ERUVADI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.197/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.A.EBENEZER Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

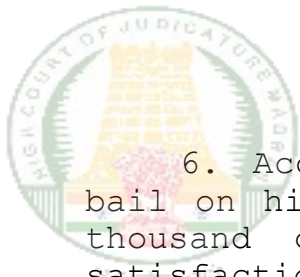
The petitioner was arrested and remanded to judicial custody since 21.11.2018 for the offences punishable under Sections 452, 294 (b), 323, 324, 307 and 506(ii) I.P.C and Section 4 of TNPWH Act, in Crime No.197 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the father of the A1 in this case. A1 proposed for the marriage of the defacto complainant's sister which has refused by her. Hence, at the instigation of his parents, A1 entered into the house of the defacto-complainant and abused her and her sister by using filthy language, attacked the sister of the defacto complainant indiscriminately with aruval and caused several cut injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the father of the A1. There is no allegation as against the petitioner herein. Hence he prayed for grant bail to the petitioner.

4.Heard the learned Additional Public Prosecutor for the respondent.

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, Nanguneri and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30.a.m.

[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]**.

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

sd/-

11/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
ERUVADI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, NANGUNERI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.T.A.EBENEZER Advocate SR.No.23087
PS/JVR-MMS/SAR-1/12/12/2018/2P/7C

ORDER

IN

CRL OP (MD) No.21865 of 2018

Date : 11/12/2018