



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

Thursday, the Twenty Fifth day of October Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.18884 of 2018

1 ARUN
2 KANNAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THATCHANALLUR POLICE STATION,
TIRUNELVELI.
IN CR NO. 190 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.MOHAN GANDHI Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 05.10.2018 for the offences punishable under Sections 448, 294(b), 352, 506(ii) I.P.C and Section 4 of TNPWH Act and Section 3 of TNPPDL Act, in Crime No.190 of 2018 on the file of the respondent police. They seek bail.

2.The case of the prosecution is that due to previous enmity between the son of the defacto complainant and the accused persons, these petitioners joined hands with other accused, entered into the house of the defacto complainant and abused her by using filthy language and damaged the house hold articles worth about Rs.67,000/- and assaulted the defacto complainant with force and criminally intimidated her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons. They have been falsely implicated in this case. The petitioners were not at all present in the said scene of occurrence. They are in incarceration from 05.10.2018 onwards. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are 25 previous cases are pending against the first petitioner and no previous case is pending against the second petitioner. He further submitted that the investigation is pending.



5.Considering the previous antecedents of the first petitioner, this Court is not inclined to grant bail to the first petitioner. Accordingly, this criminal original petition is dismissed as far as the first petitioner is concerned.

6.Considering the above facts and circumstances and also considering the period of incarceration of the second petitioner, this Court is inclined to grant bail to the second petitioner. Accordingly, the second petitioner is ordered to be released on bail subject to the following conditions:

(i) the second 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 No.IV, Tirunelveli.

(ii)the second petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

sd/-
25/10/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
THATCHANALLUR POLICE STATION, TIRUNELVELI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.MOHAN GANDHI Advocate SR.No.20229

ORDER
IN
CRL OP(MD) No.18884 of 2018
Date :25/10/2018

JM/PN/SAR 3/25.10.2018/2P/7C