



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20008 of 2018

ARUN

... PETITIONER / ACCUSED NO.1

Vs

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

... RESPONDENT / COMPLAINANT

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

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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 05.10.2018 for the offences punishable under Sections 448, 294 (b), 352, 506(ii) IPC and Section 4 of TNPHW and Section 3 of TNPPDL Act, in Crime No.190 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between the son of the defacto complainant and the accused persons, the petitioner and others, entered into the house of the defacto complainant and abuse her by using filthy language and damaged the house hold articles and assaulted the defacto complainant with force and criminally intimidated her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. He has not committed any offence as alleged by the prosecution. Hence, he prayed for grant of bail to the petitioner.

4. Heard the learned Government Advocate (Criminal Side) 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.

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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 No.IV, Tirunelveli, and on further condition that:

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

[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/-

22/11/2018

/ 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. 21891

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ORDER

IN

CRL OP (MD) No.20008 of 2018

Date :22/11/2018

JM/VR MMS/SAR 1/22.11.2018/3P/7C