



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

Friday, the Ninth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20160 of 2018

UMAIYA VELAYUTHAM

... PETITIONER / 2nd ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.179/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.SIVA RAMAKRISHNAN 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 :-

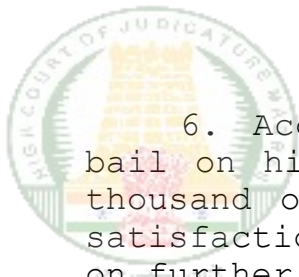
The petitioner was arrested and remanded to judicial custody since 22.10.2018 for the offences punishable under Sections 341,294 (b), 324 and 307 of IPC in Crime No.179 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel with regard to irrigation of channels, the petitioner and his brothers are said to have assaulted the injured and abused him in filthy language.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and also the fact that the injured has been discharged from the hospital, 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Mudhukulathur, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[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/-

09/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, MUDHUKULATHUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.21349

ORDER

IN

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Date :09/11/2018