



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21018 of 2018

VADIVEL

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
JEYAMANGALAM POLICE STATION,
THENI DISTRICT.
CRIME NO.114 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR 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 25.10.2018 for the offences punishable under Sections 294(b), 324 and 307 IPC, in Crime No.114 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.06.2018, the defacto complainant along with his friends were sitting in the Kullapuram bus stop, the petitioner and his son is said to have assaulted the defacto complainant with aruval, in which, the defacto complainant's three fingers have been amputated. As regards the second petitioner is said to have held the hands of the defacto complainant, due to which, he sustained injury.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that one month prior to this case, the petitioner's another son has preferred a complaint, for which, a case has been registered as against the defacto complainant and the defacto complainant was arrested and subsequently, came out on bail. The defacto complainant is the aggressor who has been creating a trouble frequently.



4. The learned Government Advocate (Crl.side) for the respondent submitted that A1 has been arrested on 27.09.2018 and released on bail from 16.10.2018. He further submitted that investigation is almost over and the chemical analysis report is yet to be received.

5. Considering the facts and circumstances of the case and 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, Periyakulam and on further condition that:

[a] the petitioner shall report before the respondent police 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/-

27/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
JEYAMANGALAM POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.C.SUSI KUMAR Advocate SR.No.22147

ORDER IN

CRL OP(MD) No.21018 of 2018
Date :27/11/2018