



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

Friday, the Twenty Eighth day of September Two Thousand and Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17371 of 2018

P. ARUMUGAM

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SEITHUNGANALLUR POLICE STATION,
TUTICORIN DISTRICT.
IN CRIME NO.130 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.RADHAKRISHNAN, Advocate.

For Respondent : Mrs.M.ANANTHA DEVI, Govt. Advocate (Crl.Side)

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

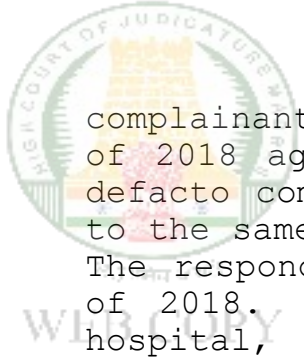
ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 12.09.2018 for the offences punishable under Sections 448 and 380 IPC and Section 3 of the TNPPDL Act, in Crime No.130 of 2018 on the file of the respondent police. She seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.The case of the prosecution is that when the de facto complainant was in the hospital, the accused damaged the de facto complainant's household articles. Hence, the complaint was registered by the respondent police in Crime No.130 of 2018.

4.The facts of the case are that there was already a civil dispute between the petitioner's family and the de facto complainant's family. The said disputed property is in the possession of the petitioner's family. On 08.09.2018, the de facto complainant's family members trespassed into the said property and there was a wordy quarrel. Both family members were injured and lodged complaint against themselves. The respondent police registered a case in Crime No.127 of 2018 against the defacto



complainant's family members and a case in counter in Crime No.128 of 2018 against the petitioner's family members. Thereafter, the defacto complainant's mother namely Chitra lodged another complaint to the same police station against this petitioner and her daughter. The respondent police once again registered a case in Crime No.129 of 2018. Thereafter, when the de facto complainant was in the hospital, the accused was said to have damaged the de facto complainant's household articles. Hence, the complaint was registered by the respondent police in Crime No.130 of 2018.

5.The learned counsel for the petitioner would submit that there was a civil dispute between the de facto complainant's family and the petitioner's family and he further submitted that the petitioner is in judicial custody from 12.09.2018 onwards. Hence, he prays for grant of bail to the petitioner.

6.The learned Government Advocate (Crl. Side) for the respondent submitted that this is a case in counter. The petitioner damaged the house hold articles worth Rs.1,50,000/-.

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

(i) the 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, Srivaikundam, Tuticorin District.

(ii) The petitioner shall stay away Thathankulam;

(iii) The petitioner shall stay at Tuticorin Town and appear before the Tuticorin South Police Station for a period of two weeks at 10.30 a.m., thereafter, as and when required.

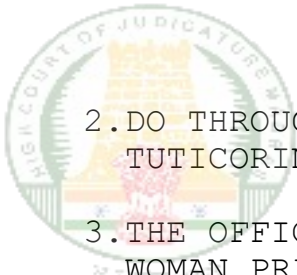
sd/-
28/09/2018

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

TO

1.THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM,
TUTICORIN DISTRICT.



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3.THE OFFICER INCHARGE,
WOMAN PRISON,
KOKKIRAKULAM,
TUTICORIN DISTRICT.

4.THE INSPECTOR OF POLICE,
SEITHUNGANALLUR POLICE STATION,
TUTICORIN DISTRICT.

5.THE INSPECTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION,
TUTICORIN DISTRICT.

6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.G.RADHAKRISHNAN Advocate SR.No.18515.

ORDER
IN
CRL OP (MD) No.17371 of 2018
Date :28/09/2018

RAM/VR MMS/SAR 1/28.09.2018/3P/8C