



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

Monday, the Twenty Ninth day of October Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.18379 of 2018

ARUN @ ARUNKUMAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PARTHIBANUR POLICE STATION,
PARTHIBANUR,
RAMANATHAPURAM DISTRICT.
CRIME NO.132 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.SENTHIL, Advocate

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

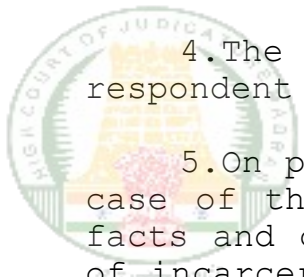
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 01.10.2018 for the offences punishable under Sections 147, 448, 294(b), 323, 506(i) and 379 I.P.C and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.132 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 25.09.2018, the petitioner and other accused unlawfully assembled with deadly weapon, trespassed into the house of the defacto complainant, attacked the defacto complainant and caused injuries. Further, it is alleged that the petitioner and other accused threatened the defacto complainant with dire consequences and snatched her 3 ½ sovereign gold chain and damaged two wheeler worth about Rs.5,000/- Hence, the case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent. He has been falsely implicated in this case. Further, he would submit that the occurrence was happened on 25.09.2018, but belatedly, the complaint was lodged after 6 days and on the basis of the complaint, the above case was registered and no such occurrence was happened on that day. The petitioner is in incarceration from 01.10.2018 onwards. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is pending.

5.On perusal of the records, this Court is of the view that the case of the prosecution is not a believable one. 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. 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, Paramakudi.

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

sd/-
29/10/2018

/ TRUE COPY /

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

TO

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

+1. CC to Mr.D.SENTHIL Advocate SR.No.20509

ORDER
IN
CRL OP(MD) No.18379 of 2018
Date :29/10/2018

MS/PN/SAR-1/29.10.2018/2P.7C