



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen  
PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.3155 of 2018

KUMAR @ UDHAYA KUMAR

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
ARANTHANGI POLICE STATION,  
PUDUKKOTTAI DISTRICT.  
(CRIME NO.705 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.JAYARAMACHANDRAN, Advocate  
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused sole accused, was arrested and remanded to judicial custody on 29.12.2017 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC in Crime No.705 of 2017, on the file of the respondent police, seeks bail.

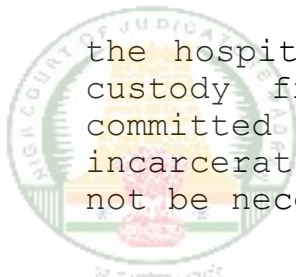
2.The case of the prosecution is that, due to family dispute, the petitioner assaulted the defacto complainant, by using Aruval and caused injuries. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 29.12.2017. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the injured was discharged from the hospital on 27.01.2018 and the investigation of the case is pending.

5.The submissions made by the learned counsel appearing on either side are considered.

6. Admittedly, the defacto complainant in this case is wife of the petitioner. It is alleged, during the time of occurrence, the petitioner due to family dispute, with an intention to kill his wife assaulted her by using Aruval and thereby, caused injuries to her and after completing the treatment, the injured was discharged from



the hospital on 27.01.2018. Further, the petitioner is in judicial custody from 29.12.2017. Considering the nature of offence committed by the petitioner and also considering the period of incarceration, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

7. Considering the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail. 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi;

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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].

sd/-

28/02/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.A.JAYARAMACHANDRAN Advocate SR.No.3203

ORDER IN

CRL OP(MD) No.3155 of 2018

Date :28/02/2018

**MS/CM-VR/SAR.2/28.02.2018/2P.7C**