



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21583 of 2015

PERIYA KARUPURAJA

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION,
MADURAI DISTRICT.
CR. NO.335/2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S VEERA KATHIRAVAN Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

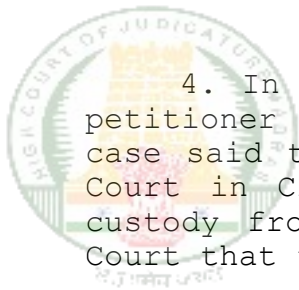
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.10.2015 for the offences punishable under Sections 452, 294(b), 324 and 307 I.P.C in Crime No.335 of 2015 on the file of the respondent police, seeks bail.

2. The petitioner submitted that a case has been registered against him, which was registered as Cr.No.328 of 2015, based on the complaint given by one Muthusamy. He further submitted that he has filed an anticipatory bail petition in Crl.O.P.(MD).No.19856 of 2015, which was ordered on 14.10.2015 and the order copy was made ready. However, in order to arrest the petitioner, a complaint was taken from the wife of the said Muthusamy and the same was registered in Cr.No.334 of 2015 on 17.10.2015 and yet another complaint was taken from the nephew of the said Muthusamy, which was registered as Cr.No.335 of 2015 on 17.10.2015 and he was arrested on the same day. The petitioner further submitted that since the Police is inimical towards him and that in some way or other, they wanted to foist a case against him, he has been unnecessarily roped in for no fault of his. The petitioner further submitted that there was a 'man missing complaint' and the issue came up before this Court in H.C.P.(MD).No.116 of 2014, on 10.08.2015, wherein, this Court has observed as follows:

" 4. In our considered opinion, since a case has been registered and the same is under investigation, there is no scope for any more order in this Habeas Corpus Petition as the investigation revealed that Mr.Vetrivel is not under the illegal detention of any one. In view of the same, this Habeas Corpus Petition is dismissed, however leaving it open for the petitioner to work out her remedy under Section 482 Cr.P.C , if so advised. "

3. The learned Government Advocate (Crl.Side) would submit that based on the statement, the petitioner was implicated in Cr.No.335 of 2015 and that the petitioner has one previous case and hence, the petitioner shall not be granted any relief sought for by him.



4. In reply, Mr.Veera Kathiravan, learned counsel appearing for the petitioner pointed out that there is no previous case and the previous case said to have been filed against the petitioner was quashed by this Court in Cr.l.O.P.No.16119 of 2014. Admittedly, the petitioner is in custody from 17.10.2015. It is also brought to the attention of this Court that the Police has not taken any steps for custodial interrogation.

5. Considering the above submissions, I find some force in the contention of 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, No.VI, Madurai, and on further condition that:

[a] the petitioner shall report before the Judicial Magistrate No.VI, Madurai twice a day daily at 10.30 a.m. and 5.00 p.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond 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]**.

sd/-
18/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,MADURAI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE INSPECTOR OF POLICE,PERUNGUDI POLICE STATION, MADURAI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S VEERA KATHIRAVAN Advocate SR.No.66002

ORDER IN
CRL OP(MD) No.21583 of 2015
Date :18/11/2015

PBK/GSV-PM/SAR-II 18/11/2015 ::2P-7C::