

**CRL.O.P.No.13850 of 2016****S.VAIDYANATHAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 22.4.2016 for the alleged offence punishable under Sections 294(b), 307 IPC in Crime No.174 of 2016 on the file of the respondent police, **seek bail.**

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

3. The case of the prosecution is that when the defacto complainant was walking on the road, the petitioner is alleged to have hit against the complainant, due to which, wordy quarrel arose between both sides and the petitioner abused him in filthy language and also attempted to kill him by assaulting with stone.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is under incarceration for more than 87 days.

5. Learned Government Advocate (Crl. Side) submitted that investigation is yet to be completed and charge sheet is yet to be filed.

6. Considering the facts and circumstances of the case and taking note of the fact that investigation is still pending and charge sheet is yet to be filed and further the petitioner is under judicial custody for more than 87 days, this Court is inclined to release 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 Judicial Magistrate IV, Salem;**

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(ii) the petitioner is directed to appear before the respondent police daily twice at 10.30 a.m. and 5.30 p.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]**.

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18.7.2016

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