

CRL.O.P.No.14916 of 2016

S.VAIDYANATHAN, J.

The petitioner, who was arrested and remanded to judicial custody on 28.06.2016 for the alleged offence punishable under Section 307, 120(b) r/w.149 IPC in Crime No.33 of 2016 on the file of the respondent police, **seeks bail.**

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

3.The case of the prosecution is that due to previous enmity, the petitioner had attacked the defacto complainant with knife and caused injuries.

4.The learned counsel for the petitioner submitted that the petitioner has not committed any such offence and a false case has been foisted against him.

5.Learned Public Prosecutor (Pondicherry) submitted that the petitioner along with the other accused attacked the de-facto complainant with knife and caused injuries to him. He further submitted that injured has been discharged from the hospital.

6.Considering the facts and circumstances of the case and taking note of the fact that injured has been discharged from the hospital and also considering the period of incarceration, **the petitioner is ordered to be released on bail subject to the following conditions:**

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(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-II, Kariakkal;

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. and 5.00 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]**.

21.07.2016

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