

S.VAIDYANATHAN, J

The petitioner, who was arrested and remanded to judicial custody on 18.07.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 325 and 307 IPC in Crime No.288 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant gave complaint before the respondent-Police stating that the petitioner and other accused demanded money from the de-facto complainant for fixing banner and flag and threatened him, and at that time, a wordy quarrel ensued between them and also abusing the de-facto complainant in filthy words and thereby, the accused assaulted the de-facto complainant with iron rod and hands and also attempted to kill him.

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

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he is in custody for the past more than 70 days.

5. Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioner, and also taking note of the submission of the learned Government Advocate that the investigation is going on and also considering the fact that there is no possibility of filing the charge-sheet within 90 days, this Court is of the view that custodial interrogation of the petitioner is not required at this stage. 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-IV, Salem.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation by the respondent police;

(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) upon 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 himself/Trial Court, as laid down by the Supreme Court in the case of P.K.Shaji Vs. State of Kerala (AIR 2005 SCW 5560).

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Crl.O.P.No.22671 of 2016

06.10.2016