



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Fifth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13951 of 2016

MUTHAIAH,

..PETITIONER/ACCUSED

(RANK NOT KNOWN)

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,

MOONDRADAIPPU POLICE STATION,

TIRUNELVELI DISTRICT.

(CRIME NO.44 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.ANGAPPAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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 was arrested and remanded to judicial custody on 24.06.2016 for the alleged offences punishable under Section 447 of IPC and Section 3 of TNPPDL Act in Crime No.44 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to the land dispute, the petitioner entered into the defacto complainant's agriculture fields and damaged the Banana bunches worth Rs.20,000/-. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is willing to deposit a sum of Rs.20,000/- and he is in judicial custody from 24.06.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that due to the land dispute, the petitioner damaged worth Rs.20,000/- of banana bunches in the agricultural fields and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit a sum of Rs.20,000/-, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) the petitioner shall deposit a sum of
RS.20,000/- (Rupees Twenty Thousand only) to the
credit of Crime No.44 of 2016 and he 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, Nanguneri.

(ii) the petitioner shall appear before the Court concerned daily at 10.30 am until further orders.

(iii) the petitioner shall not tamper with 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 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

05/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT.

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

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

4 THE INSPECTOR OF POLICE, MOONDRADAIPPU POLICE STATION, TIRUNELVELI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

+1. CC to M/S.Jeyakarthik, Advocate SR.No.42296

ORDER IN

CRL OP(MD) No.13951 of 2016

Date :05/08/2016

PBK/GSV-PM/SAR-III 05/08/2016 ::2P-7C::