



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10008 of 2016

1 NAGAMUTHU
2 DHANASEKARAN
3 RASAIYAH @ MANIKANDAN ... PETITIONERS/ACCUSED NO.1 TO3

Vs

STATE REB.BY
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 266/2016) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S V.KANNAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

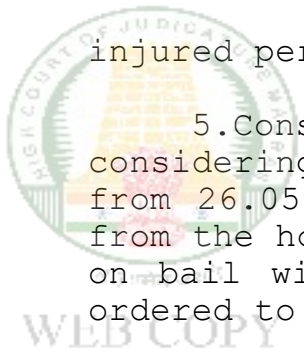
The petitioners are arrayed as accused Nos.1 to 3, who were arrested and remanded to judicial custody on 26.05.2016 for the alleged offences punishable under Sections 147, 148, 341, 294(b), 506(ii) IPC and Sections 3 (1)(r), 3(1)(s) of SC/ST Act, 1989 (Prevention of Atrocities) Amendment Ordinance 2014, in Crime No.266 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the de facto complainant belongs to S.C. Community and on 20.05.2016, at 10.00 p.m., due to previous enmity, the petitioners waylaid the de facto complainant with deadly weapons like knife, aruval and iron rod and they tried to attack him and abused him in filthy language and threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners are in judicial custody from 26.05.2016.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Crl.side) submitted that the



injured person had already been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 26.05.2016 and the injured person had already been discharged from the hospital, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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 Additional District Munsif cum Judicial Magistrate, Manamadurai;
- (ii) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

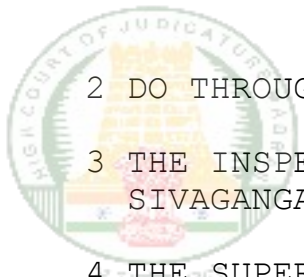
6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-
30/06/2016

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE SUPERINTENDENT CENTRAL PRISION, TRICHY.

5 THE ADDITIONAL PUBLICPROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S V.KANNAN Advocate SR.No.34126

ORDER

IN

CRL OP (MD) No.10008 of 2016

Date :30/06/2016

SDR/AAL-MPA/SAR I/30.06.2016/3P/7C