



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10233 of 2016

MADAN

... PETITIONER/ ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
CR NO. 704 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.M.MANIVELPANDIAN 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 petitioner who is arrayed as accused No.2 was arrested and remanded to judicial custody on 04.06.2016 for the alleged offences punishable under Sections 147,148,294(b),307,506(ii) of IPC and Section 4 of TNPWH Act and Section 3 of TNPPDL Act in Crime No.704 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused entered into the shop of the defacto complainant and assaulted the defacto complainant and his wife with deadly weapons and also abused them in filthy language. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is innocent person 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 are in judicial custody from 04.06.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that the injured persons had already been discharged from the hospital and the petitioner is having three previous cases.

5.Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital, 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:



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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 No.I, Thoothukudi.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am and 5.30 pm 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/-
24/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE, SOUTH POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.M.MANIVELPANDIAN Advocate SR.No.32712
trp
JA-GSV-PM.SAR.II/24.06.2016/2P:7C

ORDER IN
CRL OP(MD) No.10233 of 2016
Date :24/06/2016