



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

Thursday, the Fourteenth day of July Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.10728 of 2016

WEB COPY

BALA @ KATTAIKAL BALA @ BALAMURUGAN,... PETITIONER/ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
C-2, SUBRAMANIPURAM POLICE STATION,
MADURAI 625 003,
CR NO. 540 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.BALAMURUGAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

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

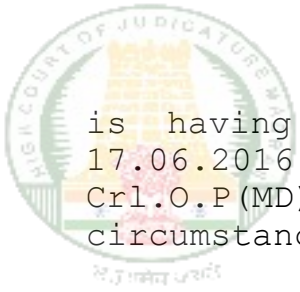
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 29.05.2016 for the alleged offences punishable under Sections 25(1)(A) of Arms Act and 506(ii) of IPC, in Crime No.540 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the defacto complainant is working as a servant in a wine shop bar at Venkadachalapuram, Madurai. On 29.05.2016 at about 12.15 p.m., the petitioner came to the bar and after buying liquor and other items, he left the place without paying money for the same. When the defacto complainant demanded money, he suddenly took an aruval and threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. On the date of occurrence, while the petitioner was sleeping in his home, the respondent police took him to the police station stating that they want to enquire about his previous case, but the police foisted a false case. The petitioner is in judicial custody from 29.05.2016.

4.The learned Government Advocate (Crl.side) submitted that on 29.05.2016, the petitioner went to the bar and after buying liquor and other items, left the place without paying money and when the defacto complainant demanded money, he took an aruval and threatened him with dire consequences. He further submitted that the petitioner



is having two previous cases. This Court by the order dated 17.06.2016 dismissed the bail petition filed by the petitioner in CrI.O.P(MD)No.9542 of 2016 and now there is no change of circumstances and prayed for dismissal of the bail petition.

5.The learned counsel for the petitioner submitted that co-accused was already arrested and enlarged on bail by the Sessions Court in Cr.M.P.No.2675 of 2016 dated 27.06.2016.

6.Considering the facts and circumstances of the case and also considering the fact that the occurrence took place on 29.05.2016 and the petitioner is in judicial custody from 29.05.2016 and the co-accused was arrested and enlarged on bail by the Sessions Court in Cr.M.P.No.2675 of 2016, dated 27.06.2016, 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 execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m., 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/-
14/07/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE-IV
MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE
C-2, SUBRAMANIPURAM POLICE STATION, MADURAI 625 003

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S P.BALAMURUGAN Advocate SR.No.36656

ORDER

IN

CRL OP(MD) No.10728 of 2016

Date :14/07/2016

am

SH/SKS-RR/SAR-I:15.07.2016:2P/7C