WEB COPY

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

Monday, the Fourth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10931 and 10932 of 2016

KANIERUL ... PETITIONER/ACCUSED NO.3 IN CRL OP(MD) No.10931 of 2016

VIVEKANANTHAN ... PETITIONER/ACCUSED NO.1 IN CRL OP(MD) No.10932 of 2016

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.126/2016) ... RESPONDENT / COMPLAINANT IN BOTH CASES.

For Petitioner : M/S M.SUBASH BABU Advocate IN BOTH CASES
For Respondent : MR.P.KANNITHEVAN,Govt. Advocate Crl. Side) IN BOTH CASES

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1 & 3, who were arrested and remanded to judicial custody on 18.06.2016 for the alleged offences punishable under Sections 294(b), 323, 506(i) of IPC and Section 3 of TNPPDL Act, in Crime No.126 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that due to previous enmity, the accused persons threatened the defacto complainant and caused damage to the front glass of his shop worth about Rs.30,000/-. 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 they have been falsely implicated in this case and the petitioners are in judicial custody from 18.06.2016.

4.The learned counsel for the petitioners submitted that each petitioners are ready and willing to deposit a sum of Rs.5,000/-.

5.The learned Government Advocate(Crl.side) submitted that the petitioners and other accused damaged the front glass of the defacto complainant's shop worth about Rs.30,000/-. Investigation is pending.

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

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 18.06.2016 and also considering the submission made on the side of the

WEB COPY

petitioners, 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) The petitioners shall deposit a sum of Rs.5,000/- each (Rupees Five Thousand only) to the credit of Crime No.126 of 2016, before the learned Judicial Magistrate, Vilathikulam on receipt of the same

(ii) Each of the petitioners 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, Vilathikulam.

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) 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].

7.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/-
04/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,VILATHIKULAM

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,TUTICORIN DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, KOVILPATTI

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

5 THE INSPECTOR OF POLICE,VILATHIKULAM POLICE STATION,TUTICORIN DISTRICT.

+2. CC to M/S M.SUBASH BABU Advocate SR.No.34703,34704,

ORDER
IN
CRL OP(MD)No.10931 and 10932 of 2016
Date :04/07/2016

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