



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.10967 of 2016

WEB COPY

MARIAPPAN

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT,
CR NO. 126/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S V.NIRMAL KUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. 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.2, who was 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 petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the he is in judicial custody from 18.06.2016.

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

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

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 18.06.2016 and also considering the submission made on the side of the petitioner, 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:



WEB COPY

No.126 of 2016, before the learned Judicial Magistrate, Vilathikulam on receipt of the same

- (ii) 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, Vilathikulam.
- (iii) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.
- (iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioner 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 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]**.

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 petitioner is 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,TUTICORIN.
- 4 THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,TUTICORIN DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S V.NIRMAL KUMAR Advocate SR.No.34643

ORDER
IN
CRL OP(MD) No.10967 of 2016
Date :04/07/2016

PA/NGM-MP/SAR II/04.07.2016/2P/7C