



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

Tuesday, the Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11019 of 2016

MANOHARAN

... PETITIONER / ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION
OTTAPIDARAM,
THOOTHUKUDI DISTRICT
CR.NO.55 OF 2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S A.THIRUVADI 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, who was arrested and remanded to judicial custody on 15.06.2016 for the alleged offences punishable under Section 109 IPC and Section 3 of TNPPDL Act, 1992 in Crime No.55 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 25.04.2016 at 07.30 p.m., when the de facto complainant was travelling in his car, at the instigation of the petitioner, the miscreants pelted stones to his car and caused damage to the rear side glass of the car. 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. The petitioner is in judicial custody from 15.06.2016.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit Rs.5,000/- to the credit of this case.



5.The learned Government Advocate (Crl. side) submitted that during election campaign, at the instigation of the petitioner, some miscreants pelted stones to the car of the de facto complainant. 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 15.06.2016, 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 deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Crime No.55 of 2016 before the learned Judicial Magistrate, Vilathikulam and he 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;
- (ii) the petitioner 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 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].

7.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/-
05/07/2016

/ 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, THOOTHUKUDI

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

4 THE INSPECTOR OF POLICE, OTTAPIDARAM POLICE STATION,
OTTAPIDARAM, THOOTHUKUDI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S A.THIRUVADI KUMAR Advocate SR.No.34963

SMN

JM/SK-SKN/SAR-III/05.07.2016/3P-7C

ORDER

IN

CRL OP(MD) No.11019 of 2016

Date :05/07/2016