



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

Monday, the Eleventh day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11247 of 2016

1 MANIBHARATHI
2 KALEESWARAN

... PETITIONERS / ACCUSED
RANKS NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
B-6, JAIHINDPURAM (L&O) POLICE STATION,
MADURAI CITY,
CR NO. 595/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S D.RAMESHKUMAR 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 petitioners are arrayed as accused, who were arrested and remanded to judicial custody on 30.05.2016 for the alleged offences punishable under Sections 147, 148, 447, 448, 294(b), 324, 307 and 506(ii) of IPC and subsequently altered into Section 120-B, 147, 148, 447, 448, 294(b), 324, 307 and 506(ii) of IPC, in Crime No.595 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that due to election motive, the petitioners and other accused assaulted the defacto complainant's husband and caused injury. 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. The petitioners are in judicial custody from 30.05.2016.

4.The learned Government Advocate(Crl.side) submitted that the first petitioner was already detained under Act 14 of 1982 and the injured person had already been discharged from the hospital.



5. In view of the submission made by the learned Government Advocate (Crl.side), this petition is dismissed as against the first petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that the second petitioner is in judicial custody from 30.05.2016 and the injured person had already been discharged from the hospital, this Court is inclined to enlarge the second petitioner on bail with certain conditions. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the second 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 second petitioner shall report before the Trichy Cantonment Police Station daily at 10.30 a.m. until further orders.
- (iii) the second petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

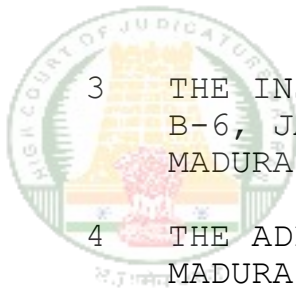
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11/07/2016

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

AM
TO

1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI



3 THE INSPECTOR OF POLICE
B-6, JAIHINDPURAM (L&O) POLICE STATION,
MADURAI CITY,
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

5 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

+1. CC to M/S D.RAMESHKUMAR Advocate SR.No.35504

GJM/SK/SKN/SAR-III-11.7.16-3P-7C

ORDER
IN
CRL OP(MD) No.11247 of 2016
Date :11/07/2016