



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11520 of 2016

1 THIRUMARAINATHAN
2 SUNDARAPANDI

... PETITIONERS / ACCUSED 1 AND 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.
CR. NO.584/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.KATHIRAVEL Senior Counsel for
M/S K.PRABHU Advocate

For Respondent : M/S.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused Nos.1 and 2 were arrested and remanded to judicial custody on 18.06.2016 for the alleged offences punishable under Sections 147,148,294(b),323,324,506(ii) of IPC r/w. 3(2) (va) of SC/ST (POA) Amendment Ordinance Act, 2014 in Crime No.584 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioners along with other accused attacked the defacto complainant and caused injuries and also abused him by using caste name. On complaint, a case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. The learned counsel for petition submitted that the petitioners are in judicial custody from 18.06.2016 and prays for enlarging the petitioners on bail.

4.The learned Government Advocate(Crl.side) submitted that the injured person had already been discharged from the hospital and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital, 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) each of 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, Melur, Madurai District.
- (ii) the petitioners shall appear before the respondent Police daily at 10.00 am until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 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].

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 petitioners are complying with the condition or not.

sd/-

13/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MELUR,MADURAI DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

5 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S K.PRABHU Advocate SR.No.36069.

ORDER

IN

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Date :13/07/2016