



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11665 of 2016

JAYACHANDRAN

... PETITIONER/ACCUSED NO.2

Vs

STATE REB.BY
THE INSPECTOR OF POLICE
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT,
CR NO. 271/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.MANIMARAN Advocate

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

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

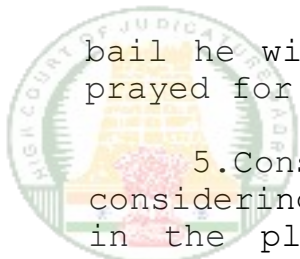
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 19.05.2016 for the alleged offences punishable under Sections 506(ii) of IPC altered into 294(b), 302 and 506(ii) of IPC and Section 120(b) of IPC, in Crime No.271 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, A1 attacked the father of the defacto complainant and he was hospitalised and subsequently, he died. Originally the case was registered for the offences under Sections 506(ii) of IPC and later altered into 294(b), 302 and 506(ii) of IPC and Section 120(b) of IPC. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and his name is not found in the FIR and only based on the confession of A1, his name has been falsely implicated. The petitioner is in judicial custody from 19.05.2016.

4.The learned Government Advocate (Crl.side) submitted that the petitioner and A1 conspired together and attacked the father of the defacto complainant and he was died due to the injuries inflicted by A1. Investigation is at preliminary stage. If he will enlarged on



bail he will tamper the witnesses and hamper the investigation and prayed for dismissal of the bail.

5. Considering the facts and circumstances of the case and also considering the fact that the the petitioner was not at all present in the place of occurrence and he is in judicial custody from 19.05.2016, 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:

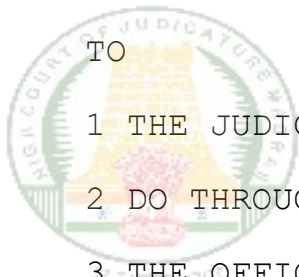
- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- (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]**.

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 petitioner is complying with the condition or not.

sd/-
14/07/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.

2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE VADASERI POLICE STATION,
KANYAKUMARI DISTRICT,

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

+1. CC to M/S R.MANIMARAN Advocate SR.No.36404

ORDER

IN

CRL OP(MD) No.11665 of 2016

Date :14/07/2016

SDR/NGM-MP/SAR II/14.07.2016/3P/7C