



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

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11938 of 2016

M.SHANMUGAIAH

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION
THOOTHUKUDI DISTRICT
CRIME NO.225 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.S.VAIGUNTH 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 who is arrayed as sole accused was arrested and remanded to judicial custody on 03.06.2016 for the alleged offences punishable under Sections 294(b), 506(ii) of IPC and Section 3 of TNPPDL Act in Crime No.225 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the due to previous enmity, the petitioner entered into the hotel of the defacto complainant and abused him in filthy language and also threatened with dire consequences and he has caused damage worth Rs.10,000. On complaint, a case has been registered against the petitioner for the above said offences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted the petitioner is willing to deposit a sum of Rs.5,000/- and prays for enlarging the petitioner on bail.

4. The learned Government Advocate(Crl.side) submitted that the damage caused is worth Rs.10,000/- and the investigation of the case is pending.



5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to to deposit a sum of Rs.5,000/- and that the petitioner is in judicial custody from 05.06.2016, 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.225 of 2016 and 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 No.II, Kovilpatti.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am and 5.00 pm 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/-
18/07/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.

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, KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT

5 THE OFFICER INCHARGE, SUB JAIL, KOVILPATTI.

+1. CC to M/S A.S.VAIGUNTH Advocate SR.No.37213

TRP

JM/SK-SKN/SAR-I/18.07.2016/3P-7C

ORDER

IN

CRL OP(MD) No.11938 of 2016

Date :18/07/2016