



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.12065 & 12069 of 2016

SENTHIL KUMAR

... PETITIONER / ACCUSED NO.1
IN CRL OP(MD) No.12065 of 2016

ASHOK BABU

... PETITIONER / ACCUSED NO.2
CRL OP(MD) No.12069 of 2016

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CHATRAPATTI POLICE STATION,
DINDIGUL DISTRICT.
CR. NO.151/2016

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

FOR PETITIONER : M/S P.MAHENDRAN, ADVOCATE
IN BOTH THE PETITIONS

FOR RESPONDENT : P.KANNITHEVAN, GOVT. ADVOCATE (CRL. SIDE)
IN BOTH THE PETITIONS

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

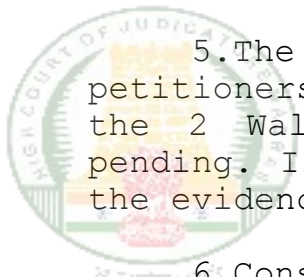
ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1 & 2, who were arrested and remanded to judicial custody on 03.07.2016 for the alleged offences punishable under Sections 294(b), 427, 353, 307 of IPC and Section 3 (1) of TNPPDL Act, in Crime No.151 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the defacto complainant was on patrol duty, the petitioners attacked the defacto complainant and threatened him with dire consequences and caused damages to the 2 Walkie Talkie, Tube lights. 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 03.07.2016.

4.The learned counsel for the petitioners submitted that each of the petitioners are willing to deposit a sum of Rs.15,000/- to the credit of this case before the Trial Court.



5.The learned Government Advocate(Crl.side) submitted that the petitioners threatened the defacto complainant and caused damages to the 2 Walkie Talkie and Tube lights and the investigation is pending. If the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 03.07.2016 and also considering the submissions made on the side of the petitioners, 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 petitioners 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, Oddanchatram.
- (ii)the petitioners shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) each to the credit of Crime No.151 of 2016 before the learned Judicial Magistrate, Oddanchatram.
- (ii)the petitioners shall report before the respondent police daily at 10.30 a.m. 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 Crl side), as to whether the petitioners are complying with the condition or not.

sd/-
19/07/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL

3 THE INSPECTOR OF POLICE,
CHATRAPATTI POLICE STATION,
DINDIGUL DISTRICT.

4 THE OFFICER IN-CHARGE
SUB JAIL, DINDIGUL

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

+2. CC to M/S P.MAHENDRAN Advocate SR.NoS.37539 & 37540

JAM/19.07.2016/SK-SKN/SARIII/ 3P-8C

ORDER

IN

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Date :19/07/2016