



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12227 of 2016

MARIMUTHU @ RAVI

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
KURUMPUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 106 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.R.DURAIRAJ 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 is arrayed as accused, who was arrested and remanded to judicial custody on 01.07.2016 for the alleged offences punishable under Sections 147, 148, 448, 294(B), 323, 506(II) IPC, Section 4 of TNPHW Act and Section 3 of TNPPDL Act in Crime No.106 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 30.06.2016, the petitioner along with other accused abused the de facto complainant in filthy language and attacked him and threatened him with dire consequences and also damaged his household articles. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 01.07.2016.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.2,000/- to the credit of Crime No.106 of 2016 before the learned Judicial Magistrate, Srivaikundam.



5.The learned Government Advocate (Crl. side) submitted that the petitioner along with other accused abused the de facto complainant in filthy language and attacked him and threatened him with dire consequences and also damaged his household articles. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

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6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 01.07.2016, 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.2,000/- to the credit of Crime No.106 of 2016 before the learned Judicial Magistrate, Srivaikundam and he 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, Srivaikundam.
- (ii) the petitioner shall report before the respondent police daily at 10.00 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].

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.

sd/-
20/07/2016

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



TO

1 THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

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

4 THE INSPECTOR OF POLICE, KURUMPUR POLICE STATION,
THOOTHUKUDI DISTRICT.

5 THE OFFICER INCHARGE, SUB JAIL, SRIVAİKUNDAM.

+1. CC to M/S M.S.Jeyakarthik, Advocate SR.No.37819

smn

JM/NGM-MP/SAR-III/20.07.2016/3P-7C

ORDER

IN

CRL OP(MD) No.12227 of 2016

Date :20/07/2016