



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

Friday, the Twenty Second day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12333 of 2016

VELLAISAMY

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

KANDAVARAYANPATTI POLICE STATION,

SIVAGANGAI DISTRICT.

CR. NO.52/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S S.KAMESWARAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

For Intervenor : Mr.C.ARIVAZHAGAN, Advocate

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 24.06.2016 for the alleged offences punishable under Sections 452, 323, 307 of IPC, in Crime No.52 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 24.06.2016, due to civil dispute, the petitioner along with other accused went to the house of the defacto complainant and attacked him with weapons. 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 already A1 was granted anticipatory bail by this Court in Crl.O.P.(MD)No.10571 of 2016, dated 06.07.2016 and prayed for bail.

4.The learned counsel for the intervenor submitted that the petitioner involved in three previous cases and 107 Cr.P.C., proceedings are pending. If he is released on bail he will indulge in similar offence and prays for dismissal of the bail application.

5.The learned Government Advocate(Crl.side) submitted that the injured person had already been discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person had already been



discharged from the hospital and the co-accused was granted anticipatory bail by this Court in CrI.O.P(MD)No.12333 of 2016 and the petitioner is in judicial custody from 24.06.2016, 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 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, Thiruppathur.
- (ii) the petitioner shall report before the respondent police daily twice at 10.00 a.m., and 5.00 p.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/-

22/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, KANDAVARAYANPATTI POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE OFFICER-IN-CHARGE, SUB JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT.

+1. CC to M/S S.KAMESWARAN Advocate SR.No.38845

ORDER IN

CRL OP(MD) No.12333 of 2016

Date :22/07/2016