



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.12664 of 2016

KATHIRESAN

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.151 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.LINGARASU Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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 accused No.1 was arrested and remanded to judicial custody on 01.06.2016 for the alleged offences punishable under Sections 147,341,294(b),323 and 506(ii) of IPC and 379(NP) @ 147, 148, 341,294(b),323 and 506(ii) of IPC and Section 3 of TNPPDL Act in Crime No.151 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to wordy quarrel between the petitioner and the defacto complainant in the temple festival, the petitioner along with other accused attacked the defacto complainant with deadly weapons and abused him in filthy language and caused damage to his two wheeler. On complaint, a case has been registered 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 that the co-accused have already released on bail by this Court in Crl.O.P(MD).No.11162 of 2016, dated 06.07.2016 and the petitioner is in judicial custody from 01.06.2016 and prays for enlarging the petitioner on bail.



4.The learned Government Advocate(Crl.side) submitted that the injured person has been discharged from the hospital and the petitioner is having three previous cases and the investigation of the case is pending. He further contended that if the petitioner is enlarged on bail there is a possibility of communal clash and prays for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and that the co-accused have already enlarged on bail by this Court in Crl.O.P(MD).No.11162 of 2016, dated 06.07.2016, 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 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.V, Thirunelveli.
- (ii) the petitioner shall stay at Thanjavur and report before the Inspector of Police, GH Police Station, Thanjavur, daily at 10.00 am and 5.30 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/-
26/07/2016

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE-V
TIRUNELVELI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI

4 THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION, TIRUNELVELI DISTRICT.

5 THE INSPECTOR OF POLICE,
GH POLICE STATION, THANJAVUR.

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

+1. CC to M/S S.LINGARASU Advocate SR.No.39810

ORDER
IN
CRL OP(MD) No.12664 of 2016
Date :26/07/2016

trp
SH/AAL-MPA/SAR-III:28.07.2016:3P/8C