



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

Monday, the Twenty Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12669 of 2016

HAMLET

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION,
VELLICHANTHAI,
KANYAKUMARI DISTRICT.
(CRIME NO.164 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S H.VELAVADHAS Advocate

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

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

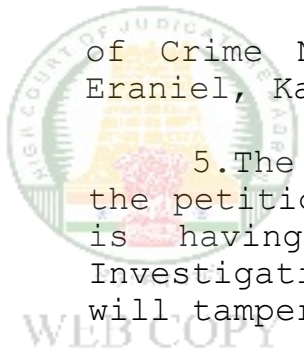
ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 23.06.2016 for the alleged offences punishable under Sections 294(b), 307, 506(ii) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.164 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner demanded money from the de facto complainant and when he refused to give the same, the petitioner abused him in filthy language and tried to attack him with bottle and also threatened him with dire consequences. 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. Due to communal clash, the respondent police foisted a false case against the petitioner. The petitioner is in judicial custody from 23.06.2016.

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.164 of 2016 before the learned Judicial Magistrate, Eraniel, Kanyakumari District.

5.The learned Government Advocate (Crl. side) submitted that the petitioner damaged the bottles in a petty shop. The petitioner is having one previous case and no one sustained injury. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

6.Considering the facts and circumstances of the case and also considering the fact that no one sustained injury and the petitioner is in judicial custody from 23.06.2016 and also considering the contention putforth on the side of the petitioner, 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.164 of 2016 before the learned Judicial Magistrate, Eraniel, Kanyakumari District 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, Eraniel, Kanyakumari District.
- (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/-
25/07/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, VELLICHANTHAI POLICE STATION,
VELLICHANTHAI, KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.

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

+1. CC to M/S H.VELAVADHAS Advocate SR.No.39100

SMN

JM/SK-SKN/SAR-I/25.07.2016/3P-7C

ORDER

IN

CRL OP (MD) No.12669 of 2016

Date :25/07/2016