



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.12690 of 2016

KAMLET,

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION, VELLICHANTHAI,
KANYAKUMARI DISTRICT.
(CRIME NO.109 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.

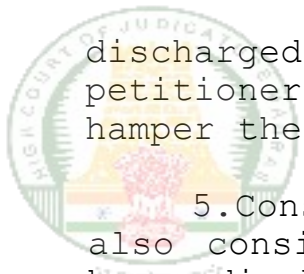
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 23.06.2016 for the alleged offences punishable under Sections 452, 294(b), 324, 307 and 506 (ii) IPC , in Crime No.109 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner along with another accused attacked the de facto complainant and his wife with bottles and caused injuries and also threatened them 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 Government Advocate (Crl. side) submitted that the petitioner along with another accused attacked the de facto complainant and his wife with bottles and caused injuries and threatened them with dire consequences. The petitioner is having one previous case and the injured person had been



discharged from the hospital. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5. 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 petitioner is in judicial custody from 23.06.2016, 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 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]**.

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/-
25/07/2016

/ TRUE COPY /



SMN
TO

1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL

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

4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

5 THE OFFICER INCHARGE, SUB JAIL,
NAGERCOIL.

+1. CC to M/S H.VELAVADHAS Advocate SR.No.39101

GJM/SK/SKN/SAR-II-25.7.16-3P-7C

ORDER

IN

CRL OP (MD) No.12690 of 2016

Date : 25/07/2016