



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12790 of 2016

MUTHURAJ

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
AUTHUR POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO. 175 OF 2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.S.MUTHUMALAIRAJA, 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 was arrested and remanded to judicial custody on 04.07.2016 for the alleged offences punishable under Sections 294(b) and 307 of IPC in Crime No.175 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to money dispute, the petitioner attacked the defacto complainant and abused him in filthy language and also threatened with dire consequences. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted 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 contended that the petitioner is in judicial custody from 04.07.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate (Crl.side) submitted that the injured has been discharged from the hospital and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, I am 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:

<https://hcservices.ecourts.gov.in/hcservices/>

(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, Thiruchendur.

(ii) the petitioner shall appear before the respondent Police daily at 10.00 am 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.)

TO

1. THE JUDICIAL MAGISTRATE, THIRUCHENDUR.
2. THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
AUTHUR POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
5. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

+1. CC to M/S.S.MUTHUMALAIRAJA Advocate SR.No. 39560

ORDER IN
CRL OP(MD) No.12790 of 2016
Date :26/07/2016