



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.12803 of 2016

1 A.ANBALAGAN

2 ARJUNAN

... PETITIONERS / ACCUSED No.2&3

Vs

THE STATE OF TAMIL NADU,
REPRESENTED BY THE INSPECTOR OF POLICE,
PUDUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.

(CRIME NO.259 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S C.K.M.APPAJI 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 petitioners who are arrayed as accused were arrested and remanded to judicial custody on 23.06.2016 for the alleged offences punishable under Sections 294(b), 324, 323, 307 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.259 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioners trespassed into house of the defacto complainant and attacked him and caused bleeding injuries with chopper in his forehead and back head and also abused their family members in filthy language. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioners submitted that the
<https://hcservices.ecourts.gov.in/hcservices/>
petitioners are innocent and they have not committed any offence as



alleged by the prosecution and their names have been falsely implicated in this case. He further contended that the petitioners are in judicial custody from 23.06.2016 and prayed for enlarging the petitioners on bail.

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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. He further submitted that the petitioners are having one previous case.

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 petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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.II, Kuzhithurai.
- (ii)the petitioners shall appear before the respondent Police daily at 10.00 am and 5.00 pm until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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**



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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 petitioners 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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KUZHITHURAI, KANYAKUMARI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT
 - 3 THE INSPECTOR OF POLICE,
PUDUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
 - 4 THE OFFICER IN-CHARGE
SUB JAIL, NAGERCOIL
 - 5 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S C.K.M.APPAJI Advocate SR.No.39385
- JAM/26.07.2016/SK-SKN/SARI/3P-7C

ORDER
IN
CRL OP(MD) No.12803 of 2016
Date :26/07/2016