



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.12806 of 2016

RAJASEKARAN

... PETITIONER/ACCUSED No.3

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUVARUR SUB DIVISION,
THIRUVARUR DISTRICT.

2 THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

(CRIME NO. 197 OF 2016)

... RESPONDENTS/COMPLAINANTS

FOR PETITIONER : M/S S.MUTHUMALAIRAJA, ADVOCATE

FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

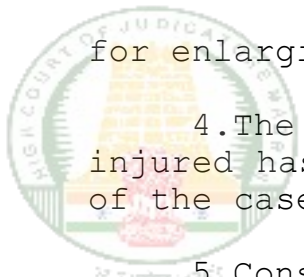
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused No.3 was arrested and remanded to judicial custody on 26.05.2016 for the alleged offences punishable under Sections 147,148,324, 506(ii) and 307 of IPC and Section 3(2) (V) of SC/ST (POA) Amendment Act in Crime No.197 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 24.05.2016 at 2.30 pm due to the previous election motive, the petitioner attacked the son of the defacto complainant and abused him in filthy language by his caste name. 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 due to the previous motive, his name has been falsely implicated in this case. He further contended that the petitioner is in judicial custody from 26.05.2016 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:

- (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, Thiruvavarur.
- (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.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, THIRUVARUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUVARUR SUB DIVISION,
THIRUVARUR DISTRICT.

4. THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

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

6. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1. CC to M/S S.MUTHUMALAIRAJA Advocate SR.No. 39559

ORDER

IN

CRL OP(MD) No.12806 of 2016

Date :26/07/2016

TRP

TE/NGM-MP/SAR-III : 26/07/2016 : 3P/8C