



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

Wednesday, the Twenty Seventh day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12937 of 2016

PRABHAKARAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE
REPRESENTED BY ITS
THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION
TUTICORIN DISTRICT
(CRIME NO.65 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S V.NIRMAL KUMAR Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government 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 07.06.2016 for the alleged offences punishable under Section 307 of IPC, in Crime No.65 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that due to some wordy quarrel, the petitioner attacked the defacto complainant with knife and attempted to murder him. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 07.06.2016.

4.The learned Government Advocate(Crl.side) submitted that the injured person had already been discharged from the hospital.

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 07.06.2016, 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 for a like sum to the satisfaction of the learned Judicial Magistrate, Vilathikulam.



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- (ii) the petitioner shall report before the respondent police daily at 10.30 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/-
27/07/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE, VILATHIKULAM
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE OFFICER-IN-CHARGE
BORSTAL SCHOOL, NANGUNERI
- 5.THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION
TUTICORIN DISTRICT

+1. CC to M/S V.NIRMAL KUMAR Advocate SR.No.39955
RL/7C/2P/NGM/MP/SARI/27/7/2016

ORDER
IN
CRL OP(MD) No.12937 of 2016
Date :27/07/2016