



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13077 of 2016

1 MUTHUVEL RAJA
2 VIJAYAKARAN

... PETITIONERS/ ACCUSED No.1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
(CRIME NO. 854 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. A.THIRUVADI KUMAR 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 are arrayed as accused Nos.1 and 2, who were arrested and remanded to judicial custody on 18.07.2016 for the alleged offence punishable under Sections 294(b), 323, 324, 307 and 506(ii) of I.P.C. and Section 3 of TNPPDL Act, 1992 in Crime No.854 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 16.07.2016, the petitioners went to the house of the de-facto complainant and assaulted him with iron rod and caused damage to the window glasses in the house of the de-facto complainant worth about Rs.5,000/-. On complaint, case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. The petitioners are in judicial custody from 18.07.2016.

4. The learned counsel for the petitioners submitted that the petitioners are willing to deposit a sum of Rs.5,000/- to the credit of Crime No.854 of 2016 before the learned Judicial Magistrate No.I, Thoothukudi.



5. The learned Government Advocate (Crl.side) submitted that the injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and the petitioners are in judicial custody from 18.07.2016, this Court is 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) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tuticorin.
- (ii) the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.854 of 2016 before the learned Judicial Magistrate No.I, Thoothukudi.
- (iii) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioners shall not abscond either during investigation or trial.
- (vi) 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 [(2005)AIR SCW 5560].

7. 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 are complying with the condition or not.

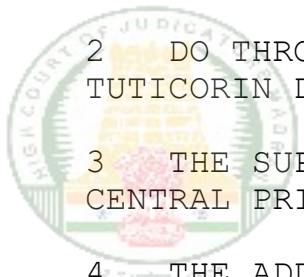
sd/-
28/07/2016

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TUTICORIN.



2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

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

5 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

+1. CC to M/S. A.THIRUVADI KUMAR Advocate SR.No.40331.

ORDER

IN

CRL OP(MD) No.13077 of 2016

Date :28/07/2016

AM/SK.SKN/SAR-I/28.07.2016/3P/7C