



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.13129 of 2016

WEB COPY

MUTHAIAH

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 43 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.ANGAPPAN 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 petitioner is arrayed as accused, who was arrested and remanded to judicial custody on 13.06.2016 for the alleged offence punishable under Sections 447 of I.P.C., and Section 3 of TNPPDL Act in Crime No.43 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 26.03.2016, the petitioner entered into the de-facto complainant's agricultural field and damaged the banana bunches to the tune of Rs.2,000/-. On complaint, case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 13.06.2016.

4. The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.2,000/- to the credit of this case.

5. The learned Government Advocate (Crl.side) submitted that the petitioner is having 8 previous cases and the investigation has been completed and the charge sheet has also been filed before the learned Judicial Magistrate.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 13.06.2016, 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, Nanguneri.



- (ii) the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Crime No.43 of 2016 before the learned Judicial Magistrate, Nanguneri.
- (iii) the petitioner shall report before the concerned Court daily at 10.30 a.m. until further orders.
- (iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioner 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 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]**.

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 petitioner is complying with the condition or not.

sd/-

28/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.ANGAPPAN Advocate SR.No.40229

ORDER

IN

CRL OP(MD) No.13129 of 2016

Date : 28/07/2016