



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

Friday, the Twenty Ninth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13173 of 2016

UDAYAKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY INSPECTOR OF POLICE
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT. CR. NO.174/2016 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.KAMESWARAN Advocate

For Respondent : M/S.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 sole accused, who was arrested and remanded to judicial custody on 22.06.2016 for the alleged offences punishable under Sections 294(b) and 307 IPC, in Crime No.174 of 2016, on the file of the respondent police and hence, seeks bail.

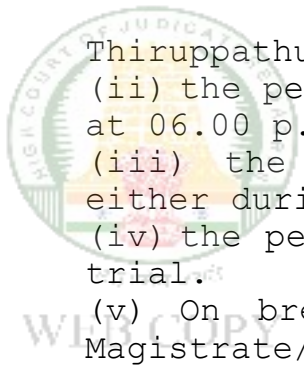
2.The case of the prosecution is that on 21.06.2016, due to previous motive, the petitioner attacked the defacto complainant's son with stick and abused him in filthy language. On complaint, case has been registered for the above said offences.

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 22.06.2016.

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 the injured person had already been discharged from the hospital and the petitioner is in judicial custody from 22.06.2016, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate,



Thiruppathur, Sivagangai District.

(ii) the petitioner shall report before the respondent police daily at 06.00 p.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/-

29/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE, THIRUPPATHUR TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, BORSTAL SCHOOL, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.KAMESWARAN Advocate SR.No. 40667

JA-NGM-MP-SAR.III-29.07.2016-2P-7C

ORDER

IN

CRL OP(MD) No.13173 of 2016

Date :29/07/2016