



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.13249 of 2016

PANDI @ SAMIYAR PANDI

... PETITIONER/ACCUSED NO. 2

Vs

STATE REP.BY THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 434 / 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.BALAMURUGANANTHAM 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 :-

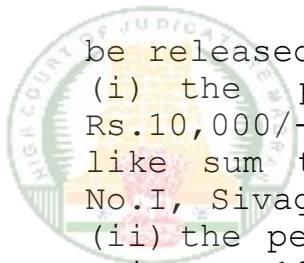
The petitioner is arrayed as Accused No.2, who was arrested and remanded to judicial custody on 13.06.2016 for the alleged offences punishable under Sections 294(b), 342, 307 IPC, in Crime No.434 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 13.06.2016, due to wordy quarrel, the petitioner and other accused attacked the defacto complainant with iron rod 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 13.06.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioner is involved in various cases and even now, three cases are pending against him and 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 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai District.

(ii) the petitioner shall report before the respondent police daily twice at 10.30 a.m., and 05.00 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 NO.I, SIVAGANGAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT OF POLICE, CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.BALAMURUGANANTHAM Advocate SR.No. 40498

ps

JA-NGM-MP/SAR.III/29.7.2016/2P:7C

ORDER IN

CRL OP(MD) No.13249 of 2016

Date :29/07/2016