



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13391 of 2016

RAJA

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AMBASAMUTHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.30 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S D.VENKATESH Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

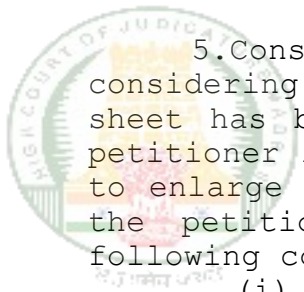
ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 25.01.2016 for the alleged offences punishable under Sections 341, 294(b), 326, 307, 302 and 506(ii) IPC, in Crime No.30 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 25.01.2016, due to previous enmity, while the de facto complainant and the deceased were came in a bike, the petitioner waylaid the bike and attacked the deceased with aruval and when the de facto complainant prevented the petitioner, he lost his little finger and due the injuries sustained by the deceased, he died on the spot. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The wife of the petitioner eloped with the deceased and she is residing separately and due to that motive, the respondent police falsely implicated the petitioner in this case. Investigation has been completed and charge sheet has been filed and taken on file in P.R.C.No.21 of 2016. The petitioner is in judicial custody from 25.01.2016.

4.The learned Government Advocate (Crl. side) submitted that the wife of the petitioner eloped with the deceased and due to that the petitioner waylaid the deceased and attacked him with aruval and caused death of the deceased and investigation has been completed and charge sheet has been filed.



5. Considering the facts and circumstances of the case and also considering the fact that investigation has been completed and charge sheet has been filed and taken on file in P.R.C.No.21 of 2016 and the petitioner is in judicial custody from 25.01.2016, 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, Ambasamuthiram.
- (ii) the petitioner shall report before the said Court in all future hearings regularly.
- (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/-

01/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUTHIRAM

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

4 THE INSPECTOR OF POLICE
AMBASAMUTHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S D.VENKATESH Advocate SR.No.40995.

ORDER

IN

CRL OP(MD) No.13391 of 2016

Date :01/08/2016