



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13405 of 2016

RAPA @ RAPAITHEEN

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUPPULANI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.159 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.UTHAYAKUMAR 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 :-

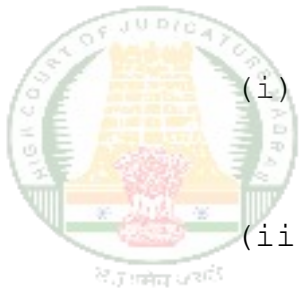
The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 27.07.2016, for the alleged offences punishable under Sections 447, 294(b), 323, 324, 506(ii) IPC and Section 4 of Women Harassment Act @ 3(1)(x) of SC/ST (POA) Act, in Crime No.159 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 08.07.2016, while the defacto complainant was sleeping in his house along with his wife and children, the petitioner along with other accused persons under the influence of alcohol and trespassed into the house of the defacto complainant with deadly weapons and attacked the defacto complainant and caused injuries and threatened him and his family members with dire consequences and abused in filthy language. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that due to previous enmity the petitioner's name has been falsely implicated in this case. He is innocent and he has not committed any offence as alleged by the prosecution.

4. Heard the learned Government Advocate (Crl. Side).

5.Considering the facts and circumstances of the case, 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:



WEB COPY

- (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, Ramnad.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.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/-

08/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, RAMNAD.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPPULANI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER IN CHARGE, DISTRICT PRISON, RAMNAD.

+1. CC to M/S A.UTHAYAKUMAR Advocate SR.No.42554
PJL
CSL/SKS-RR/SAR-I/08.08.2016: :2P/7C

ORDER

IN

CRL OP(MD) No.13405 of 2016

Date :08/08/2016