



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

**Wednesday, the Third day of August Two Thousand Sixteen
PRESENT**

**The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.13694 of 2016**

KALAIVENTHAN

... PETITIONER/ACCUSED NO.4

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUVARUR SUB DIVISION,
THIRUVARUR DISTRICT.

2 THE INSPECTOR OF POLICE
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

(CRIME NO. 197 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.MUTHUMALAIRAJA 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.4, who was arrested and remanded to judicial custody on 02.06.2016 for the alleged offences punishable under Sections 147, 148, 324, 506(ii), 307 IPC and Section 3(2)(V) of SC/ST (POA) Amendment Act, in Crime No.197 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons formed an unlawful assembly and abused the son of the de facto complainant by using his caste name in filthy language and attacked him with wooden log and thereby attempted to cause death, which resulted in grievous injuries and further they threatened him with dire consequences. 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. Due to election dispute, he has been falsely implicated in this case. The petitioner is in judicial custody from 02.06.2016.

4.The learned Government Advocate (Crl. side) submitted that the injured person had been discharged from the hospital. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the injured person had been discharged from the hospital and the petitioner is in judicial custody from 02.06.2016, 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,

Thiruvavarur.

(ii) the petitioner shall report before the respondent police daily at 10.00 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.

7.At this juncture, the learned counsel for the petitioner submitted that the condition with regard to appearance before the respondent police may be modified and the petitioner is ready and willing to appear before any one of the police stations near the respondent police station. Since investigation is pending before the respondent police, the said request made on the side of the petitioner is rejected.

sd/-

03/08/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVARUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUVARUR SUB DIVISION, THIRUVARUR DISTRICT.
- 4 THE INSPECTOR OF POLICE, KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE OFFICER INCHARGE, BORSTAL SCHOOL, THANJAVUR.

+1. CC to M/S S.MUTHUMALAIRAJA Advocate SR.No.41638

smn

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ORDER IN
CRL OP(MD) No.13694 of 2016
Date :03/08/2016