



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

Thursday, the Fourth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.13820 of 2016

WEB COPY

SANKAR @ KUTTAI SANKAR

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY

HE INSPECTOR OF POLICE

SIVAGANGAI TOWN POLICE STATION,

SIVAGANGAI DISTRICT.

CR. NO. 454 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R. BALAMURUGANANTHAM 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 20.06.2016 for the alleged offences punishable under Sections 294(b), 342 and 307 IPC and 3 of TNPPDL Act, in Crime No.454 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 19.06.2016, due to wordy quarrel between the petitioner and the defacto complainant, the accused persons attacked the defacto complainant and caused injury. On complaint, a case has been registered for the above said offences.

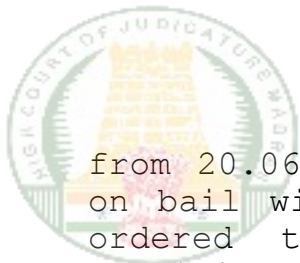
3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is no way connected to the occurrence and he has been falsely implicated in this case by the respondent police. The petitioner is in judicial custody from 20.06.2016.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.1,000/- to the credit of Crime No.454 of 2016 before the learned Judicial Magistrate No.I, Sivagangai District.

5.The learned Government Advocate(Crl.side) submitted that the petitioner is having 8 previous cases and caused damage worth about Rs.1000/-. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation and prayed for dismissal of this petition.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody



from 20.06.2016, 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 deposit a sum of Rs.1,000/- to the credit of Crime No.454 of 2016 before the learned Judicial Magistrate No.I, Sivagangai District.
- (ii) 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 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/-

04/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R. BALAMURUGANANTHAM Advocate SR.No.41795