



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.13828 of 2016

1 VELSANKAR  
2 MARUTHAVEL

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY  
THE SUB INSPECTOR OF POLICE  
SOUTH POLICE STATION,  
THOOTHUKUDI.  
(CRIME NO. 864 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.ABIYA Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1&2, who were arrested and remanded to judicial custody on 18.07.2016 for the alleged offences punishable under Sections 294(b), 307 and 506(ii) IPC, in Crime No.864 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that due to previous enmity, the petitioners threatened and attempted to murder the de-facto complainant. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners are in judicial custody from 18.07.2016.

4.The learned Government Advocate(Crl.side) submitted that A1/first petitioner has two previous cases and A2/second petitioner has four previous cases. If the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 18.07.2016 and also considering the fact that major part of the investigation is almost over by this time, this Court is inclined to



enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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, Thoothukudi.
- (ii) the petitioners shall report before the respondent police daily at 10.00 a.m. and 05.00 p.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-

04/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,THOOTHUKUDI.

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

4 THE SUB INSPECTOR OF POLICE, SOUTH POLICE STATION,THOOTHUKUDI.

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

+1. CC to M/S.K.ABIYA Advocate SR.No.41928

ORDER IN

CRL OP(MD) No.13828 of 2016

Date :04/08/2016