



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

Tuesday, the Twenty Third day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.13845 of 2016

S.BAIJU

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY ITS
THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.593 OF 2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.C.T.PERUMAL, 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 petitioner is arrayed as Sole Accused, who was arrested and remanded to judicial custody on 05.07.2016 for the alleged offences punishable under Sections 294(b) and 307 IPC r/w 3(i) of TNPPDL Act, in Crime No.593 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner abused the defacto complainant with filthy language and attempted to murder him. On complaint, 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 in judicial custody from 05.07.2016.

4.The learned Government Advocate (Crl. side) submitted that no one sustained injury and the petitioner is having four previous cases and the petitioner is a History-sheeted rowdy in H.S.No.83 of 2016.

5.Considering the facts and circumstances of the case and also considering the fact that no one sustained injury and the petitioner is in judicial custody from 05.07.2016, 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
<https://hcservices.ecourts.gov.in/hcservices/>
RS.10,000/- (Rupees ten thousand only) with two
sureties each for a like sum to the satisfaction



WEB COPY

- of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District.
- (ii) the petitioner shall report before the respondent police daily twice at 10.00 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 conditions or not.

sd/-
23/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
5. THE OFFICERS INCHARGE,
DISTRICT PRISON, NAGERCOIL.

+1. CC to M/S.C.T.PERUMAL Advocate SR.No. 46472

ORDER IN
CRL OP(MD) No.13845 of 2016
Date :23/08/2016