



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

Wednesday, the Tenth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.13949 of 2016

SAKTHIVEL

... PETITIONER/ACCUSED No.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TOWN SOUTH POLICE STATION,
DINDIGUL.
CRIME NO.463 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY 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.3, who was arrested and remanded to judicial custody on 27.06.2016 for the alleged offences punishable under Section 41(2) Cr.P.C altered into Sections 399 and 402 IPC, in Crime No.463 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 18.06.2016, when the police party was on patrol duty, the petitioner and other accused were standing in K.Paraipatti Village near Murugan Temple adivaram and on seeing the police, except A.1 and A.2, other accused ran away. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 27.06.2016.

4.The learned counsel for the petitioner submitted that already co-accused were enlarged on bail.

5.The learned Government Advocate (Crl. side) submitted that the petitioner is having four previous cases and he is a history sheeted rowdy in H.S.No.10 of 2015 and he is a habitual offender. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

6.Considering the facts and circumstances of the case and also considering the nature of allegations levelled against the petitioner and also considering the contention of the learned counsel for the petitioner and also considering the fact that the petitioner is in judicial custody from 27.06.2016, 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 No.III, Dindigul.

(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]**.

7.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/-

10/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL DISTRICT.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL.

3 THE SUPERINTENDENT,
CENTRAL PRISON,MADURAI.

4 THE INSPECTOR OF POLICE
TOWN SOUTH POLICE STATION, DINDIGUL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.43435

ORDER

IN

CRL OP(MD) No.13949 of 2016

Date :10/08/2016