



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

Friday, the Fifth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13984 of 2016

MUTHULINGAM

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 773 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.M.MANIVELPANDIAN 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 who is arrayed as sole accused was arrested and remanded to judicial custody on 20.06.2016 for the alleged offences punishable under Sections 294(b), 307, 506(ii) of IPC in Crime No.773 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioner attacked the defacto complainant with weapons and also abused him in filthy language and threatened with dire consequences. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 20.06.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that injured has been discharged from the hospital and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and 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 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 petitioner shall appear before the respondent Police daily at 10.00 am and 5.30 pm 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/-

05/08/2016

/ TRUE COPY /

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

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 INSPECTOR OF POLICE, SOUTH POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

+1. CC to M/S.M.M.MANIVELPANDIAN Advocate SR.No.42334

ORDER IN

CRL OP(MD) No.13984 of 2016

Date :05/08/2016