



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

Tuesday, the Ninth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.14250 of 2016

WEB COPY

LINGESWARAN

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE,
OOVARI POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO.71/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.M.VISHNU VARTHANAN 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 who is arrayed as accused no.1 was arrested and remanded to judicial custody on 08.07.2016 for the alleged offences punishable under Sections 436 and 406 of IPC and Section 4 of TNPPDL Act in Crime No.71 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 along with other accused set fire into the shop of the defacto complainant and caused damage to the tune of Rs.50,000/-. 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 willing to deposit a sum of Rs.10,000/- and the co-accused was already granted anticipatory bail by this Court in Crl.O.P(MD).No.11451 of 2016, dated 13.07.2016 and he is in judicial custody from 08.07.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that the petitioner is having one previous case and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit a sum of Rs.10,000/- and the co-accused was granted anticipatory bail by this Court in Crl.O.P(MD).No.11451 of 2016, dated 13.07.2016, 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 deposit a sum of Rs.10,000/-
(Rupees Ten Thousand Only) to the credit of Crime
No.71 of 2016 and he 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, Valliyoor.

(ii) the petitioner shall appear before the respondent Police daily at 10.00 am and 5.00 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/-

09/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
VALLIYOOR.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE SUB INSPECTOR OF POLICE,
OOVARI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S P.M.VISHNU VARTHANAN Advocate SR.No.42960

ORDER

IN

CRL OP(MD) No.14250 of 2016

Date : 09/08/2016