



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.14373 of 2016

WEB COPY

1 A.PONRAJ

2 NAVEEN LIGAMANIRAJ

... PETITIONERS/ACCUSED Nos.1 & 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

TIRUCHENDUR POLICE STATION,

THOOTHUKUDI DISTRICT

CR.NO. 274 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR 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 petitioners are arrayed as accused Nos.1 and 3, who were arrested and remanded to judicial custody on 19.07.2016 for the alleged offences punishable under Sections 294(b), 307 and 506(ii) IPC and Sections 3 and 5 of Lottery Regulation Act, in Crime No.274 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the petitioners along with other accused abused the defacto complainant with filthy language and attacked him with knife. On complaint, case was registered against the petitioners for the offences under Sections 294(b), 307 and 506(ii) IPC. Subsequently, 30 lottery tickets (which were banned in Tamil Nadu) and Rs.66,000/- were recovered from them. Thereafter, Section has been altered into Sections 294(b), 307 and 506(ii) IPC and Sections 3 and 5 of Lottery Regulation Act.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners are in judicial custody from 19.07.2016.

4.The learned Government Advocate (Crl.side) submitted that the earlier bail petition filed by the petitioner in Crl.O.P(MD)No.13083 of 2016, was dismissed on 28.07.2016. He would further submit that the petitioners were in possession of 30 lottery tickets (which were banned in Tamil Nadu) and Rs.66,000/- and the injured person had already 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 petitioners are in judicial custody from 19.07.2016, 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:

<https://hcservices.ecourts.gov.in/hcservices/>

- (i) Each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with



WEB COPY

two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur.

- (ii) the petitioners shall report before the respondent police daily twice 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 conditions 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
TIRUCHENDUR.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, TUTICORIN.
- 4 THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.43482

ORDER
IN
CRL OP(MD) No.14373 of 2016
Date :10/08/2016