



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14458 of 2016

MOHAN @ MUNDAKAN MOHAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.
(CRIME NO. 934 OF 2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER 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 sole accused, who was arrested and remanded to judicial custody on 11.04.2016 for the alleged offences punishable under Sections 294(b), 307 and 506(ii) IPC, in Crime No.934 of 2014, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner abused the de facto complainant in filthy language, threatened him with dire consequences and also tried to kill him. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. The detention order passed under Act 14/1982, against the petitioner had already been revoked vide order dated 30.06.2016 made in G.O.Rt.No.2874. The petitioner is in judicial custody from 11.04.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioner was already granted bail and jumped out of bail and he is having 12 previous cases. If the petitioner is released on bail, he will abscond.

5.Considering the facts and circumstances of the case and also considering the fact that the detention order passed under Act 14/1982, against the petitioner had already been revoked vide order



dated 30.06.2016 made in G.O.Rt.No.2874 and he is in judicial custody from 11.04.2016, 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:

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- (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.1, Nagercoil.
- (ii) the petitioner shall report before the respondent police daily at 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 condition or not.

sd/-

11/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
- +1. CC to M/S.T.A.EBENEZER Advocate SR.No.43743

ORDER

IN

CRL OP(MD) No.14458 of 2016

Date : 11/08/2016