



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.14548 of 2016

WEB COPY

KANAGARAJ @ RASUKUTTI

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
SOUTH POLICE STATION,
THOOTHUKUDI.
(CRIME NO. 831 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.ABIYA 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.2, who was arrested and remanded to judicial custody on 09.07.2016 for the alleged offences punishable under Sections 294(b), 307, 506(ii) IPC and Section 3 of TNPPDL Act, in Crime No.831 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 09.07.2016, due to wordy quarrel, the petitioner abused the de facto complainant in filthy language, attempted to murder him, threatened him with dire consequences and also damaged his cell phone worth of Rs.8,000/-. On complaint, a case has been registered for the above said offences.

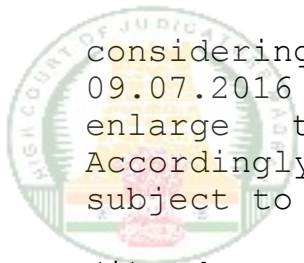
3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 09.07.2016.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.5,000/- to the credit of Crime No.831 of 2016 before the learned Judicial Magistrate No.I, Thoothukudi.

5.The learned Government Advocate (Crl. side) submitted that the petitioner damaged a cell-phone worth of Rs.10,000/- and no one sustained injury Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

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

6.Considering the facts and circumstances of the case and also



considering the fact that the petitioner is in judicial custody from 09.07.2016 and no one sustained injury, 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.5,000/- to the credit of Crime No.831 of 2016 before the learned Judicial Magistrate No.I, Thoothukudi 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 No.I, Thoothukudi .

(ii) the petitioner shall report before the respondent police daily at 10.00 a.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/-

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, THOOTHUKUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3 THE SUB INSPECTOR OF POLICE, SOUTH POLICE STATION,
THOOTHUKUDI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 5 THE OFFICER INCHARGE, PALAYANKOTTAI CENTRAL PRISON, TIRUNELVELI

+1. CC to M/S.K.ABIYA Advocate SR.No.43572

ORDER

IN

CRL OP(MD) No.14548 of 2016

Date :11/08/2016