



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

Monday, the Twenty Second day of August Two Thousand Sixteen

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PRESENT

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

CRL OP (MD) No.14564 of 2016

SASIKALA

... PETITIONER

Vs

1 THE SUPERINTENDENT OF POLICE
MADURAI CENTRAL PRISON, MADURAI

2 THE INSPECTOR OF POLICE
AMMAINAYAKKANUR POLICE STATION,
DINDIGUL DISTRICT. CR.NO.230/2016

... RESPONDENTS

For Petitioner : M/S.R.VENKATESAN 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's brother is arrayed as accused, who was arrested and remanded to judicial custody on 23.06.2016 for the alleged offences punishable under Section 307 IPC, in Crime No.230 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 22.06.2016, the accused attacked the defacto complainant and caused injuries. On complaint, a case has been registered for the above said offence.

3.The case of the petitioner is that her brother is an innocent and he has not committed any offence as alleged by the prosecution. He is in judicial custody from 23.06.2016.

4.The learned counsel for the petitioner submitted that the petitioner's brother was already granted interim bail from 10.08.2016 to 17.08.2016, so as to attend his mother funeral function and rituals, who was died on 09.08.2016, vide order dated 10.08.2016, with a specific condition to report before the respondent police daily at 10.30 a.m. till 17.08.2016 and he is complying with the said condition and prayed for enlarging the petitioner's brother on bail.



5. The learned Government Advocate (Crl. side) submitted that the injured person had already been discharged from the hospital and the investigation is pending. The petitioner's brother is complying with the condition.

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6. Considering the facts and circumstances of the case and also considering the fact that the petitioner's brother is in judicial custody from 23.06.2016 and the injured person had already been discharged from the hospital, this Court is inclined to enlarge the petitioner's brother on bail with certain conditions. Accordingly, the petitioner's brother is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner's brother 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, Nilakkottai.
- (ii) the petitioner's brother shall report before the respondent police daily at 10.30 a.m. until further orders.
- (iii) the petitioner's brother shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner's brother 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's brother in accordance with law as if the conditions have been imposed and the petitioner's brother 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]**.

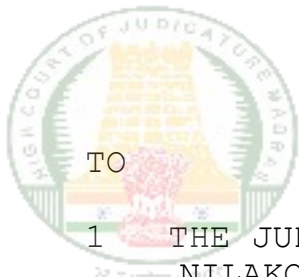
7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner's brother is complying with the condition or not.

sd/-

22/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE SUPERINTENDENT OF POLICE
MADURAI CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE
AMMAINAYAKKANUR POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.R.VENKATESAN Advocate SR.No.46280

ORDER

IN

CRL OP(MD) No.14564 of 2016

Date :22/08/2016

smn

SH/SKS-RR/SAR-I:26.08.2016:2P/7C