



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14614, 14615 and 14575 of 2016

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... PETITIONER / SOLE ACCUSED
in all the petitions

Vs

THE STATE OF TAMILNADU

THE SUB INSPECTOR OF POLICE

KOTTAR POLICE STATION, KANYAKUMARI DISTRICT

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.14614 & 14615 of 2016

THE STATE OF TAMILNADU

SUB INSPECTOR OF POLICE

NESAMONY NAGAR POLICE STATION

KANYAKUMARI DISTRICT.

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.14575 of 2016

For Petitioner : M/S C.GODWIN Advocate
in all the petitions

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)
in all the petitions

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 27.04.2016, for the alleged offences punishable under Sections 341, 294(b), 307 and 506(ii) of IPC in Crime No.307 of 2016 and under Sections 294(b), 353 and 506 (ii) of IPC in Crime No.308 of 2016 and under Sections 294(b), 387, 307 and 506(ii) of IPC in Crime No.211 of 2016 respectively, on the file of the respondents police and hence, seek bail.

2. The case of the prosecution in Crl.O.P(MD).No.14614 of 2016 is that due to previous enmity, the petitioner attempted to cut the defacto complainant on 25.04.2016.

3. The case of the prosecution in Crl.O.P(MD).No.14615 of 2016 is that the petitioner attempted to prevent the police from arresting him and also threatened the police with knife.



4. The case of the prosecution in CrI.O.P(MD).No.14575 of 2016 is that, the petitioner on 26.04.2016, at 2 pm attempted to extort Rs.500/- from the defacto complainant. On complaint, cases have been registered for the above said offences.

5. The learned counsel for the petitioner submitted that the order passed detaining the petitioner under Act 14 has been revoked, by the Government in G.O.Rt.No.3462, dated 28.07.2016 and he is innocent and he has committed any offence as alleged by the prosecution and he is in judicial custody from 27.04.2016 and prays for enlarging the petitioner on bail.

6.The learned Government Advocate(Crl.side) submitted that totally the petitioner involved in 5 cases and if he is enlarged on bail he will tamper the witnesses and hamper the investigation and prayed for dismissal of these petitions.

7.Considering the fact that the order of detaining the petitioner under Act 14 is revoked and he is in judicial custody from 27.04.2016, 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:

- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (in each cases) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil.
- (ii) the petitioner shall appear before the Nesamony Nagar Police Station daily at 10.00 am and he shall appear before the Kottar Police Station, daily at 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 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, as to whether the petitioner is complying with the condition or not.

sd/-
12/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL

2 -DO- THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI

4 THE SUB INSPECTOR OF POLICE
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT

5 THE INSPECTOR OF POLICE
NESAMONY NAGAR POLICE STATION, KANYAKUMARI DISTRICT

6 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.

+3. CC to M/S C.GODWIN Advocate SR.No.44055,44056,44057

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ORDER

IN

CRL OP(MD) No.14614, 14615 & 14575 of 2016

Date :12/08/2016