



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15142 of 2016

1 SOUNDARARAJAN
2 SRIDHAR

... PETITIONERS/ACCUSED NOS.1 AND 5

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.
(CRIME NO.484 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.KARTHICK SUBRAMANIAN Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

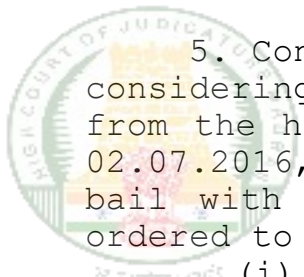
ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.1 and 5, who were arrested and remanded to judicial custody on 02.07.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 452, 427, 324 and 307 IPC and under Section 3(2)(Va) of SC/ST (POA) Act, in Crime No.484 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused attacked the defacto complainant's son and abused him in filthy language and threatened him with dire consequences. On complaint, case has been registered against the petitioners for the above said offences.

3. The case of the petitioners is that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution and due to previous motive, their names have been falsely implicated in this case. The petitioners are in judicial custody from 02.07.2016 and the co-accused was already enlarged on bail by this Court in Crl.O.P.(MD).No.13535 of 2016 dated 02.08.2016.

4. The learned Government Advocate (Crl. side) submitted that the injured person had already been discharged from the hospital.



WEB COPY

5. Considering the facts and circumstances of the case and also considering the fact the injured person had already been discharged from the hospital and the petitioners are in judicial custody from 02.07.2016, 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:

- (i) Each of the petitioners 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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA), Sivagangai.
- (ii) the petitioners shall report before the respondent police daily at 10.30 a.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, as to whether the petitioners are complying with the conditions or not.

sd/-

19/08/2016

/ TRUE COPY /

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

TO

1. THE SESSIONS JUDGE

SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER SC/ST(POA)
SIVAGANGAI

2. THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

4. THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

+1. CC to M/S S.KARTHICK SUBRAMANIAN Advocate SR.No.46025
RL/6C/2P/DB/SARI/19/8/2016

ORDER

IN

CRL OP(MD) No.15142 of 2016

Date :19/08/2016