



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.15275 of 2016

RAJESH

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 228/2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.S.PALANI VELAYUTHAM, 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 who is arrayed as accused was arrested and remanded to judicial custody on 15.06.2016 for the alleged offences punishable under Sections 294(b), 323, 506(i) and 302 of IPC in Crime No.228 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 14.06.2016, the deceased entered into the bus in the drunken mood, where the accused person was travelling in the bus and due to that, wordy quarrel arose between the petitioner and deceased and hence, the petitioner pushed him down from the bus and hence, the deceased got injury and died. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is a Coolie worker and he is only a passenger in the Government Bus and he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the deceased entered into the bus in the drunken mood and he was not in a position to stand in the bus and he himself fallen from the bus and the respondent police without conducting any enquiry implicated the petitioner as accused. He



further contended that the petitioner is in judicial custody from 15.06.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl. side) submitted that the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 15.06.2016, 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:

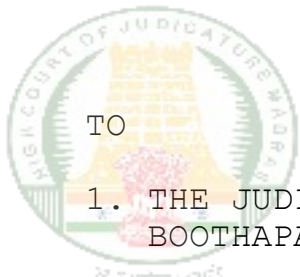
- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Boothapandi, Kanayakumari District.
- (ii)the petitioner shall appear before the respondent Police daily 10.00 am 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/-
19/08/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
BOOTHAPANDI, KANYAKUMARI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICERS INCHARGE,
SUB JAIL, NAGERCOIL.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No. 45830

ORDER

IN

CRL OP (MD) No.15275 of 2016

Date :19/08/2016

TRP

TE/DB/SAR WRIT : 19/08/2016 : 3P/7C