



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15293 of 2016

SATHIYAMOORTHY

... PETITIONER/ACCUSED NO.I

Vs

STATE, REP.BY
THE INSPECTOR OF POLICE
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.58/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.RAMESH KUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

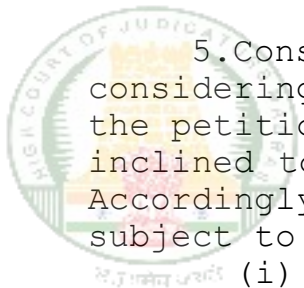
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 18.07.2016 for the alleged offences punishable under Sections 341, 323, 306 and 511 IPC read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.58 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the daughter of the de facto complainant is a widow and she has two children. On 18.04.2016, when she was going to agricultural field, the petitioner waylaid her and assaulted her. Due to that, she consumed poison. On coming to know the incident, the de facto complainant went to her house and found that she was consumed poison and took to the hospital and she was rescued. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution. He did not abuse the daughter of the de facto complainant. On coming to know the fact that she attempted to commit suicide, the petitioner went to see her in the hospital and at that time, he was arrested by the police. There is no such occurrence as alleged by the prosecution. The petitioner is in judicial custody from 18.07.2016.

4.The learned Government Advocate (Crl. side) submitted that when the daughter of the de facto complainant was going to agricultural field, the petitioner waylaid her and assaulted her and due to that, she consumed poison. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.



5. Considering the facts and circumstances of the case and also considering the fact that the occurrence took place on 18.04.2016 and the petitioner is in judicial custody from 18.07.2016, 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, Mudukulathur.
- (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]**.

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/-

22/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, MUDUKULATHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KEELATHOOVAL POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER IN CHARGE, SUB-JAIL, MUTHUKULATHUR.
- +1. CC to M/S.D.RAMESH KUMAR Advocate SR.No.46240

ORDER

IN

CRL OP(MD) No.15293 of 2016

Date :22/08/2016