



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15889 of 2016

PRABHU

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION
RAMANATHAPURAM DISTRICT
CR.NO.150/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU 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 03.07.2016 for the alleged offences punishable under Sections 294(b), 323, 324, 427 and 307 IPC, in Crime No.150 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that due to property dispute, the petitioner and other accused persons attacked the defacto complainant with knife and caused injuries and attempted to commit murder. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 03.07.2016.

4.The learned Government Advocate (Crl. side) submitted that injured had already been discharged from hospital and 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 injured had already been discharged from hospital and the petitioner is in judicial custody from 03.07.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on

<https://hdservices.com/supreme/ncs-service/> 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 No.2, Ramanathapuram,

(ii) the petitioner shall report before the respondent police daily twice at 10.30 a.m and 5.00 p.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/-

29/08/2016

/ TRUE COPY /

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

CM
TO

- 1 THE JUDICIAL MAGISTRATE NO.2, RAMANATHAPURAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE, DEVIPATTINAM POLICE STATION
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.47839

GJM/GSV/PM/SAR-CO-29.8.16-2P-7C

ORDER

IN

CRL OP(MD) No.15889 of 2016

Date : 29/08/2016