



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

Wednesday, the Thirty First day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.15916 of 2016

WEB COPY

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... PETITIONER/2nd ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THCUKALAY POLICE STATION
KANYAKUMARI DISTRICT
CR.NO.792/2013

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.M.VISHNUVARTHANAN 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.2, who was arrested and remanded to judicial custody on 04.01.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) IPC, in Crime No.792 of 2013, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 26.10.2013, due to previous enmity, the petitioner along with other accused attacked the defacto complainant with deadly weapon and threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner already granted anticipatory bail in Crl.M.P(MD)No.4629 of 2013, dated 02.12.2013 before the Principal District Court, Nagercoil. Subsequently, the same was cancelled on the ground that he has not complied with the condition. But the petitioner has complied with the condition till 03.01.2016. Due to arrest of the petitioner in another Crime No.328 of 2014, the petitioner has not complied with the condition. The petitioner is in judicial custody from 04.01.2016.

4.The learned Government Advocate (Crl. side) submitted that earlier the petitioner was detained under Goondas Act and subsequently, the same was revoked by this Court in H.C.P(MD)No.177 of 2016 and the investigation is pending.



5. Considering the facts and circumstances of the case and also considering the contention of the learned counsel for the petitioner and also considering the fact that the petitioner is in judicial custody from 04.01.2016, 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, Padmanabhapuram.
- (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/-

31/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
THCUKALAY POLICE STATION, KANYAKUMARI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S P.M.VISHNUVARTHANAN Advocate SR.No.49168

ORDER IN

CRL OP(MD) No.15916 of 2016

Date : 31/08/2016