



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

Thursday, the First day of September Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.16287 of 2016

WEB COPY

CHINNADURAI

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT
CR. NO. 236 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SUNDARAPANDIAN 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 sole accused, who was arrested and remanded to judicial custody on 13.08.2016 for the alleged offences punishable under Sections 294(b), 307 and 506(ii) IPC, in Crime No.236 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 13.08.2016, due to previous enmity, the petitioner abused the de facto complainant in filthy language and assaulted him with aruval, but he narrowly escaped from the hurt and the petitioner also threatened the de facto complainant with dire consequences. On complaint, a 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 13.08.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioner is having several previous cases and no one sustained injury. 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 petitioner is in judicial custody from 13.08.2016 and no one sustained injury, 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:

<https://hcservices.ecourts.gov.in/hcservices/>

- (1) 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.III, Tirunelveli.

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- (ii) the petitioner shall report before the respondent police daily twice i.e., at 10.00 a.m. and 05.00 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/-

01/09/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE SUB INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION, TIRUNELVELI DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No.49195

ORDER

IN

CRL OP(MD) No.16287 of 2016

Date : 01/09/2016