



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

Friday, the Fourth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21039 of 2016

SANKAR MARI

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

AUTHOOR POLICE STATION, TUTICORIN DISTRICT

(CRIME NO.238 OF 2016)

... RESPONDENT) / COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR Advocate

For Respondent : Mrs.S.Prabha, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 12.09.2016 for the offences punishable under Sections 294(b), 324 & 506(ii) IPC @ 294 (b) & 307 IPC in Crime No.238 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to some dispute arose between the petitioner and the de facto complainant, the petitioner attacked the de facto complainant with deadly weapon and abused him in filthy language and also threatened him with dire consequences.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 12.09.2016 onwards.

4.The learned Government Advocate(Crl. Side) would submit that injured person has already been discharged from the hospital. He would further submit that investigation is almost completed.

5.Considering the facts and circumstances of the case and taking note of the fact that the injured person has been discharged from the hospital, this Court is inclined to grant bail to the petitioner. 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 Judicial Magistrate, Tiruchendur;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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]**.

sd/-

04/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
- 4 THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION, TUTICORIN DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.Malaiyendran, Advocate SR.No.65799

nbj

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ORDER

IN

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Date :04/11/2016