



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

Thursday, the Tenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21431 of 2016

KUMAR

... PETITIONER / ACCUSED No.4

Vs

THE STATE
THE INSPECTOR OF POLICE
SEIDHUNGANALLUR POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.236/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / Accused No.4, was arrested on 22.10.2016 for the offences punishable under Sections 294(b), 506(ii) of I.P.C., and Section 4 of TNPWH Act and Section 3 of TNPPDL Act in Crime No.236 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, on 21.10.2016, the petitioner along with the other accused abused the de-facto complainant by using filthy language and damaged the household articles of the de-facto complainant.

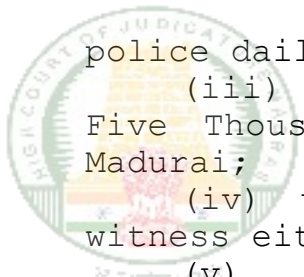
3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and he is in judicial custody from 22.10.2016.

4. The learned Government Advocate (Crl.side) submitted that the prime accused in this case was already arrested and he is in custody.

5. Considering the facts and circumstances of the case and that the petitioner is in custody from 22.10.2016, 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, Srivaikundam;

(ii) the petitioner is directed to appear before the respondent



police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Anbagam, Race Course Road, K.Pudur, Madurai;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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/-

10/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM

2 THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
SEIDHUNGANALLUR POLICE STATION,
TUTICORIN DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

5 THE OFFICER INCHARGE,
SUB JAI, SRIVAIKUNDAM

6 THE OFFICER INCHARGE,
ANBAGAM, RACE COURSE ROAD, K.PUDUR, MADURAI

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.67611

ORDER

IN

CRL OP(MD) No.21431 of 2016

Date :10/11/2016

SMA/EM-MPA/SAR-W/10.11.2016:2P/8C

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