



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

Tuesday, the Twenty Ninth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22109 of 2016

ONSTAN ALIAS ABISHEK

...PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.432 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.ANANDAN 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 :-

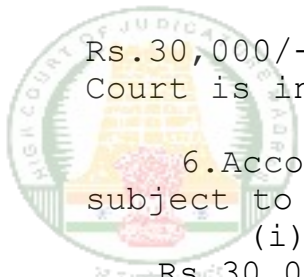
The petitioner / sole accused, who was arrested on 10.11.2016 for the offences punishable under Sections 436 and 506(ii) IPC in Crime No.432 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the de facto complainant are neighbours. The petitioner used to quarrel with the de facto complainant in a drunken mood. Due to the said motive, the petitioner set fire on the motor cycle of the de facto complainant's motor cycle worth about Rs.1 lakh.

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 10.11.2016 onwards. He would also submit that without prejudice, the petitioner is ready to deposit Rs.30,000/- to credit of Crime No.432 of 2016.

4.The learned Government Advocate (Crl. Side) investigation is pending.

5.Considering the facts and circumstances of the case and taking note of the fact that the petitioner undertakes to deposit



Rs.30,000/- and also he is in custody from 10.11.2016 onwards, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall deposit the agreed sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.432 of 2016;

(ii) 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, Tenkasi;

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

(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 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/-

29/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE OFFICER INCHARGE
BORSTRAL SCHOOL, TIRUNELVELI.

5 THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TIRUNELVELI DISTRICT

+1. CC to M/S.A.ANANDAN Advocate SR.No. 73740.

ORDER

IN

CRL OP(MD) No.22109 of 2016

Date :29/11/2016