



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

Friday, the Second day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP (MD) No.22903 of 2016

BALAMURUGAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.414 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR, 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 :-

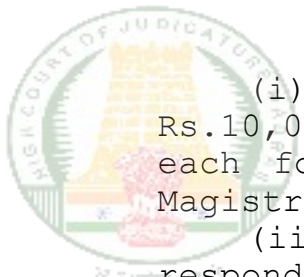
The petitioner / A1, who was arrested on 23.12.2015 for the offences punishable under Sections 294(b), 397 and 506(ii) IPC in Crime No.414 of 2015 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused had attempted to snatch the chain of the de facto complainant by showing knife.

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 He would also submitted that the earlier petition filed before this Court was dismissed as withdrawn on 22.11.2016. He would further submit that the petitioner is in judicial custody from 23.12.2015 onwards.

4.The learned Government Advocate(Crl. Side) submitted that charge sheet has been filed on 21.10.2016 and the same has not been taken on file.

5.It is seen that the trial court in Cr.M.P.No.4969 of 2016 while dismissing the bail petition, wrongly mentioned the date of dismissal of the earlier bail petition filed by the petitioner as 01.11.2016. In any event, considering the facts and circumstances of the case and also taking note of the specific overt act attributed against the petitioner, 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, Ambasamuthiram;

(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/-

02/12/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUTHIRAM, TIRUNELVELI DISTRICT.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE SUB INSPECTOR OF POLICE, KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to M/S.D.RAMESHKUMAR, Advocate SR.No.78482.

ORDER IN
CRL OP(MD) No.22903 of 2016
Date :02/12/2016

msm/gsv-pm/sar3/02.12.16/p2/7c