



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

Wednesday, the Twenty Fifth day of May Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CRL OP(MD) No.8312 of 2016

SENTHIL @ SENTHIL KUMAR

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
CHATRAPATTI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 105 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

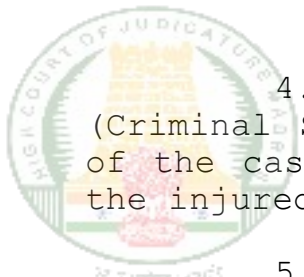
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 09.05.2016 for the offences punishable under Sections 147, 148, 324 and 506(ii) IPC and Section 3(2)(v) of SC/ST (POA) Amendment Act, 2015 in Crime No.105 of 2016 on the file of the respondent police, filed the present petition seeking bail.

2.The case of the prosecution is that the defacto complainant one Rajesh lodged a complaint alleging that he belongs to Paraiyar community and on 08.05.2016, when he went to bathroom along with his brother, A3 got mobile phone from the defacto complainant and made a call to the petitioner and the petitioner came along with 10 others in a TATA Ace vehicle with deadly weapons and the petitioner scolded the defacto complainant by mentioning his caste name and attacked with knife on hands and other accused attacked by using iron rods and hence, the case has been registered against the petitioner and others.

3.Mr.D.Venkatesh, learned counsel appearing for the petitioner has submitted that petitioner is an innocent person and he has been falsely implicated in the present case and he has been arrested and remanded to custody on 09.05.2016 and since then he is in duress. Under the said circumstances, the petitioner is entitled to get bail.



4.Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State submits that investigation of the case registered in Crime No.105 of 2016 is almost over and the injured has already been discharged from the hospital.

5.Considering the facts and circumstances of the case, 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:

(a)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, Oddanchatram;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d)the petitioner shall not abscond either during investigation or trial.

(e)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]**.

sd/-

25/05/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ODDANCHATRAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE SUB INSPECTOR OF POLICE, CHATRAPATTI POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.

+1. CC to M/S.D.VENKATESH Advocate SR.No.26967

ORDER

IN

CRL OP (MD) No.8312 of 2016

Date :25/05/2016

SDR/AN-MP/SAR-I/25.05.2016:2P/7C