



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

Tuesday, the Seventh day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.8739 of 2016

DHARMABALAN

... PETITIONER/ ACCUSED No.2

Vs

THE STATE OF TAMIL NADU,
REP. BY THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
CR.NO. 195 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.XAVIER RAJINI Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 10.05.2016 for the alleged offences punishable under Sections 294(b), 353, 307, 379 of IPC and 4(1)(1A), 21(1) and 36 (A) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.195 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 10.05.2016 when the respondent police conducted a vehicle check-up a vehicle Tempo bearing Registration No.K.L.55-F 6379 was intercepted by the respondent police. The petitioner, who is the driver of the vehicle, did not stop the vehicle. When the police party found that tempo contains blue stones, the owner of the vehicle informed the petitioner to dash against the police party and kill them and they escaped from the scene of occurrence. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he is only the driver of the Tempo Van. Al is the owner of the lorry and he is in judicial custody from 11.05.2016 and there is no



injury to the defacto complainant. Investigation is almost over.

4. The learned Government Advocate (Crl.side) submitted that already District Superintendent of Police recommended the District Collector to initiate Goondas Act against A1. This petitioner is A2. Investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is the driver of the Tempo van and the owner of the vehicle is in judicial custody and this petitioner is in judicial custody from 10.05.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail on executing 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 No.I, Kuzhithurai and on further condition that the petitioner shall appear before the respondent police daily twice at 10.00 a.m., and 05.00 p.m., until further orders.

sd/-
07/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.XAVIER RAJINI Advocate SR.No.28204

AM

JM/GSV-PM/SAR-II/07.06.2016/2P-7C

ORDER
IN
CRL OP(MD) No.8739 of 2016
Date :07/06/2016