



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

**Friday, the Twenty Fourth day of June Two Thousand Sixteen  
PRESENT**

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

**CRL OP(MD) No.9560 of 2016**

ESAKKIPANDIAN@ESAKKI THEVAR ... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY THE  
INSPECTOR OF POLICE  
THATCHANALLUR POLICE STATION  
TIRUNELVELI DISTRICT  
CR.NO.34/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.MARAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as sole accused was arrested and remanded to judicial custody on 18.01.2016 for the alleged offences punishable under Sections 294(b), 302 and 506(ii) of IPC, in Crime No.34 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that due to previous enmity, with regard to the allotment of work, on 17.01.2016 the petitioner along with other accused persons assaulted the deceased with iron rod and caused death and committed the above said offences. On complaint, a 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. He further submitted that the both the petitioner and the deceased working at Subburaj Mill, Thalayuthu, Thirunelveli and there is no motive for the petitioner to assault the deceased. He further contended that the petitioner is in judicial custody from 18.01.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that the charge sheet has been filed in this Crime number and the same is taken on file in PRC.No.17 of 2016.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 18.01.2016 and that the charge sheet has been filed and the same has been taken on file in PRC.No.34 of 2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail,



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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 learned Judicial Magistrate No.IV, Thirunelveli.
- (ii) the petitioner shall appear before the concerned Court on all future hearing dates without fail.
- (iii) the petitioner shall not tamper with 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 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

24/06/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE, THATCHANALLUR POLICE STATION  
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT  
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI

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

+1. CC to M/S M.MARAN Advocate SR.No.32685

trp

JA-GSV-PM/SAR.II/24.6.2016/2P:6C

ORDER

IN

CRL OP(MD) No.9560 of 2016

Date :24/06/2016