



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

Wednesday, the Sixth day of July Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.11057 of 2016

WEB COPY

1 R.SHANMUGAM
2 T.MANICKAM

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
LALAPET POLICE STATION, KARUR DISTRICT.
CR. NO.143/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S V.NAGENTHRAN 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 petitioners are arrayed as accused Nos.1 and 2, who were arrested and remanded to judicial custody on 22.05.2016 for the alleged offences punishable under Sections 294(b), 307, 324 and 342 IPC, in Crime No.143 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on 21.05.2016 at 11.30 p.m., due to previous enmity, the petitioners went to the house of the de facto complainant and abused him in filthy language and the second petitioner caught hold of the de facto complainant and the first petitioner attacked him with knife. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners are in judicial custody from 22.05.2016.

4.The learned Government Advocate(Crl.side) submitted that the injured person had already been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 22.05.2016 and the injured person had already been discharged from the hospital, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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.1, Kuzhithalai;



- (ii) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-
06/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO. I
KUZHITHALAI.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, KUZHITHALAI.
 - 4 THE SUB INSPECTOR OF POLICE
LALAPET POLICE STATION, KARUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S V. NAGENTHRAN Advocate SR.No.35149

ORDER
IN
CRL OP(MD) No.11057 of 2016
Date : 06/07/2016

PA/NGM-SK/SAR II/06.07.2016/2P/7C