



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

Thursday, the Fifteenth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL A(MD) No.159 of 2017

PANDIDURAI

... APPELLANT/PETITIONER

Vs

STATE, REPRESENTED BY
THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI,
IN CRIME NO.195/2017

... RESPONDENT/RESPONDENT

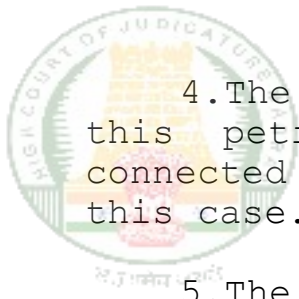
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to call for the records pertaining to the order passed by the learned Sessions Judge Fast Track Mahela Court, Sivagangai in Cr.MP(MD)No.1323 of 2017 dated 29.05.2017 and to set aside the same and to enlarge the appellant on bail in Crime No.195 of 2017 on the file of the respondent.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MOHAMED YUSUF, Advocate for the petitioner and of MR.C.RAMESH, Additional Public Prosecutor for the Respondent the court made the following order:-

The petitioner/2nd accused, who was arrested and remanded to judicial custody on 18.05.2017, for the alleged offences punishable under Sections 323, 324 and 506(ii) IPC and Section 3(1)(r) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 in Crime No.195 of 2017, on the file of the respondent/Police, seeks bail.

2.Heard Mr.Mohamed Yusuf, learned counsel appearing for the petitioner/2nd accused and Mr.C.Ramesh, learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that the defacto-complainant lodged a complaint against the petitioner/2nd accused and others, on 16.05.2017, stating that the petitioner along with others attacked him with bottles and caused injuries. Based on the said complaint, the petitioner was arrested on 18.05.2017.



4.The learned counsel for the petitioner submitted that this petitioner/2nd accused was innocent and not at all connected with the said offence and was falsely implicated in this case.

5.The learned Additional Public Prosecutor submitted that the defacto-complainant has given a statement before the respondent police that he was not admitted in the hospital and he was only treated as out-patient.

6.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:

- (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, Manamadurai.
- (ii) the petitioner shall report before the Investigation Officer, daily at 10.30 a.m., until further orders.
- (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]**.

sd/-
15/06/2017

/ TRUE COPY /



mm/das

TO

1 THE SESSIONS JUDGE
FAST TRACK MAHELA COURT, SIVAGANGAI

2 THE JUDICIAL MAGISTRATE, MANAMADURAI

3 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

4 THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION, SIVAGANGAI,

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

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

+1. C.C. to M/S. MOHAMED YUSUF Advocate SR.No.60365

GJM/CM/MSA/SAR-2-15.6.17-3P-8C

ORDER

IN

CRL A(MD) No.159 of 2017

Date :15/06/2017