



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

Friday, the First day of September Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11599 of 2017

WEB COPY

MARIYAPPAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KUTRALAM POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO.282 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/sole accused who was arrested on 14.07.2017 for the offences punishable under Sections 436 of IPC and altered into 435 of IPC r/w Section 4 of TNPPDL Act in Crime No.282 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between one Shanmugaraja, who is the friend of the de fact complainant and the petitioner herein, the petitioner set fire on the auto of the de facto complainant and caused damage worth about Rs.1,65,000/-.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel for the petitioner voluntarily agrees to deposit a sum of Rs.80,000/- to the credit of Crime No.282 of 2017 on the file of learned Judicial Magistrate, Shenkottai without prejudice to his contention in this case.

4.The learned Additional Public Prosecutor submitted that petitioner is the sole accused in this case and the earlier bail application moved on behalf of this petitioner in Crl.O.P.(MD) No.10268 of 2017 was dismissed by this Court, as per order, dated 04.08.2017 and there is no change of circumstances after dismissal of the earlier petition and investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the learned counsel for the petitioner voluntarily agrees to deposit a sum of Rs.80,000/- (Rupees Eighty



Thousand only) to the credit of Crime No.282 of 2017 on the file of learned Judicial Magistrate, Shenkottai and the petitioner is in custody from 14.07.2017, 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, Shenkottai.

(ii) the petitioner is directed to appear before learned Judicial Magistrate, Shenkottai daily at 10.30 a.m. until further orders;

(iii) the petitioner is directed to deposit a sum of Rs.80,000/- (Rupees Eighty Thousand only) to the credit of Crime No.282 of 2017 on the file of learned Judicial Magistrate, Shenkottai without prejudice to his contention in this case.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 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/-
01/09/2017

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

TO

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.29716

ORDER
IN
CRL OP(MD) No.11599 of 2017
Date : 01/09/2017

MS/PN/SAR.1/01.09.2017/2P.7C