



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

Wednesday, the Thirteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12085 of 2017

ANTONY

... PETITIONER / ACCUSED-SOLE

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION, TIRUNELVELI DISTRICT.
CRIME NO.190/2017 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RADHAKRISHNAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

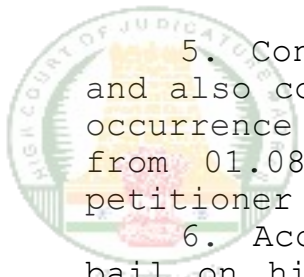
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.08.2017, for the offences punishable under Sections 448, 294(b), and 506(ii) of IPC., in Crime No.190 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous motive, the petitioner said to have entered into the house of the defacto complainant with knife and threatened the defacto complainant by abusing filthy language and also with dire consequences.

3. The learned counsel appearing for the petitioner states that evidence was closed in the said murder case and is pending for Judgment and on that stage, there is no necessity at all for the petitioner to threaten the defacto complainant, who was examined as P.W.1 in the murder case. The petitioner has not committed any such offence, as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner herein in the sole accused in this case and the defacto complainant in this case was examined as P.W.1 in a murder case of the year 2010. He also submitted that due to previous motive, the petitioner said to have entered into the house of the defacto complainant with knife and threatened the defacto complainant by abusing filthy language and also with dire consequences Investigation is still pending. The petitioner was arrested and remanded to custody on 01.08.2017 and he is now in custody and the investigation is still pending.



5. Considering the above facts and circumstances of the case and also considering the fact that no one is sustained injury in the occurrence and the period of incarceration of the petitioner in jail from 01.08.2017, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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, Sivagiri, and on further condition that:

[a] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders, for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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/-

13/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE, SIVAGIRI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RADHAKRISHNAN Advocate SR.No.78395

ORDER

IN

CRL OP(MD) No.12085 of 2017

Date :13/09/2017