



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

Wednesday, the Eleventh day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13351 of 2017

KADALMANI @ KADARKARAI

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.397 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.ALAGUSUNDAR Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

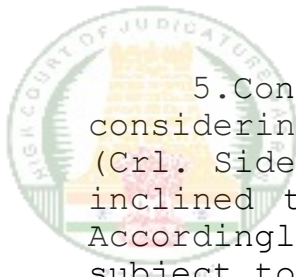
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1, was arrested and remanded to judicial custody on 04.09.2017 for the alleged offences punishable under Section 294(b), 323, 307 and 506(ii) of IPC., in Crime No.397 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity on 03.09.2017, the petitioner and other accused attacked the de-facto complainant with delay weapons and caused injuries.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that there was a previous complaint filed against the petitioner's brother viz., Balakrishnan before the respondent police, in order to settle the complaint against the petitioner's brother, the petitioner was falsely implicated in the present case.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the petitioner is a history-sheeter and habitual offender and he is having 12 previous similar type of cases and he has already detained under Goondas. He further submitted that the injured was discharged from the hospital and the investigation is still pending.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that the injured was discharged from the hospital, I am inclined to grant bail to the petitioner with certain conditions. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi;
- (ii) the petitioner shall report before the investigation officer, daily twice ie., at 10.00 a.m., and 05.00 P.M., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the petition for anticipatory bail stands dismissed.

sd/-
11/10/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.S.ALAGUSUNDAR Advocate SR.No.32571

ORDER
IN
CRL OP(MD) No.13351 of 2017
Date :11/10/2017

MS/CM-MSA/SAR.3/11.10.2017/2P.7C