



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13402 of 2017

GANESAN

... PETITIONER / ACCUSED 1

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
(IN CR.NO.10/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.C.RAMESH Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

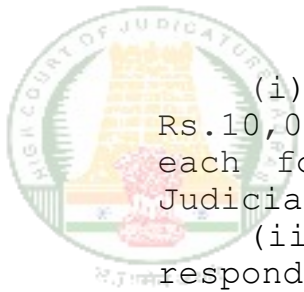
The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody on 19.09.2017 for the alleged offences punishable under Sections 406, 420 and 109 of IPC in Crime No.10 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to civil dispute the complainant has given a complaint against the petitioner. On complaint, a case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further state that the de facto complainant has filed a civil suit in O.S.No.583 of 2010 on the file of the learned District Munsif Court, Thirumangalam against the petitioner and the same is pending.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions would submit that the complaint is purely civil in nature and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the case is purely civil in nature, 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, Thirumangalam.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. for a period of 15 days and thereafter, as and when required for interrogation.

(iii) the petitioner shall not tamper with the 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 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/-

28/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.

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

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.31896

ORDER

IN

CRL OP(MD) No.13402 of 2017

Date :28/09/2017

MKV-CM-MSA-SAR 1/28.09.2017/2P-7C

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