



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

Friday, the Tenth day of February Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) No.1521 of 2017

PANDIYAN

... PETITIONER/ACCUSED No.3

Vs

STATE REP., BY
THE INSPECTOR OF POLICE
THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR, THANJAVUR DISTRICT.
CRIME No.26 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.THIRUVADIKUMAR Advocate

For Respondent : Mr.P.KANDASAMY, Government Advocate (Crl. Side)

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 21.01.2017, for the offences punishable under Sections 147, 148, 294(b), 448, 435 and 506(ii) of IPC., and Section 3 (1) of TNPPDL Act, in Crime No.26 of 2017, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 19.01.2016, the death procession of one Dinesh proceeded through the house of the defacto complainant and they had screened that the defacto complainant was responsible for the death of the said Dinesh and instigated the mob and they damaged the house of the defacto complainant and thereby caused loss to the property of the defacto complainant.

3. The learned counsel appearing for the petitioner states that the brothers of the defacto complainant and the relative of Balaji are the murderers of the said Dinesh and they had been arrested and put behind the bars. In order to stall the investigation in the case, the defacto complainant has come up with the present FIR and the value of the damaged has been exaggerated. He would further submit that the petitioner is also willing to deposit a sum of Rs.20,000/- in Crime No.26 of 2017 before the learned Judicial Magistrate No.1, Thanjavur, to show his bonafides, for his defence in this case.



4. The learned Government Advocate (crl.side) appearing for the respondent submitted that as per the FIR, there are totally six accused and others and the petitioner herein is A3, who is named in the FIR. He would further submit that there was a procession and in that, the accused pelted stones upon the residence of the defacto complainant and caused damage to the Yamaha bike bearing Reg.No.TN-45-6536, Bullet Motor Bike, CC TV Camera, Bolero Car and as well as Bajaj two wheeler and totally the damage is worth about to Rs.3,50,000/-. He would also submit that in this case, A1 and A2 were granted anticipatory bail by this Court and the remaining accused are still absconding.

5. Considering the facts and circumstances of the case and also considering the damage caused by the accused and the willingness of the petitioner to deposit a sum of Rs.20,000/- without prejudice to his contention in this case, 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 No.1, Thanajvur, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 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] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) in Crime No. 26 of 2017, before the learned Judicial Magistrate No.1, Thanjavur.

[e] 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/-

10/02/2017

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



TO

1 THE JUDICIAL MAGISTRATE NO.1
THANJAVUR

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHIRAPALLI

4 THE INSPECTOR OF POLICE
THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR, THANJAVUR DISTRICT.

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

+1. CC to M/S.A.THIRUVADIKUMAR Advocate SR.No.7530

ORDER

IN

CRL OP(MD) No.1521 of 2017

Date :10/02/2017

MPK

SH/SKN/SAR-I:10.02.2017:3P/7C