



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

Thursday, the Eighteenth day of May Two Thousand Seventeen

PRESENT

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

CRL OP (MD) No.5523 of 2017

SUBRAMANIAN

... PETITIONER/PETITIONER/
ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT,
(CRIME NO.66/2007)

... RESPONDENT / RESPONDENT/
COMPLAINANT

For Petitioner : M/S.B.SANTHANAM RAJESHKUMAR Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

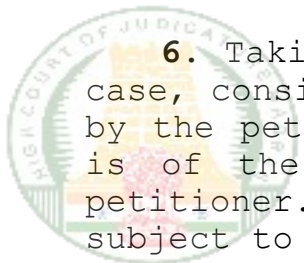
The petitioner, who was arrested and remanded to judicial custody on 23.02.2017, for the offences punishable under Sections 294(b), 341, 427, 506(i) I.P.C., and 3(1)(x) SC/ST (POA) Act, in Crime No.66 of 2007, on the file of the respondent Police, seeks bail.

2. Heard Mr.B.Santhanam Rajeshkumar, learned counsel appearing for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Criminal Side) appearing for the State.

3. The case of the prosecution is that on 26.04.2007, the petitioner along with another abused the *de facto* complainant in filthy language, his caste name and threatened him with dire consequence.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution.

5. The learned Government Advocate appearing for the State strongly objected to grant bail to the petitioner.



6. Taking into consideration the facts and circumstances of this case, considering the gravity of offence said to have been committed by the petitioner and also the period of incarceration, this Court is of the view that this is a fit case to grant bail to the petitioner. Accordingly, he 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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.

(ii) the petitioner shall report before the Court concerned daily at 10.30 a.m., until further orders.

(iii) the petitioner shall not tamper with 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 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/-

18/05/2017

/ TRUE COPY /

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

krk

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER SC/ST (POA) ACT, 1989, SIVAGANGAI

2 THE INSPECTOR OF POLICE
KALLAL POLICE STATION, SIVAGANGAI DISTRICT,

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

4 THE OFFICER INCHARGE, SUB-JAIL, PUDUKKOTTAI

+1. CC to M/S.B.SANTHANAM RAJESHKUMAR Advocate SR.No.22401

GJM/PN/SAR-3-19.5.17-2P-6C

ORDER

IN

CRL OP(MD) No.5523 of 2017

Date :18/05/2017