



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

Monday, the Twelfth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.6857 of 2017

K.SINTHA @ MATHAR

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO. 294 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

For Respondent : MR.R.RAMACHANDRAN Additional Public Prosecutor

For Intervenor : MR.N.DILIPKUMAR Advocate

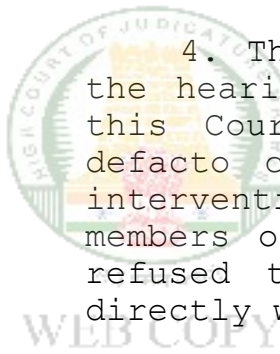
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested on 28.05.2017 for the offences punishable under Sections 448 and 506(ii) of IPC., in Crime No.294 of 2017 on the file of the respondent police, seeks bail.

2.It is alleged by the defacto complainant that his sister has engaged some hirelings to eliminate him and in the course of the said design, the petitioner has visited the disputed premises and taken photographs. The same was recorded in the CCTV camera attached to the defacto complainant's complex and the CCTV footage has also been furnished to the police by the defacto complainant.

3. The learned counsel for the petitioner submits that there is a long-standing fight between the defacto complainant and his sister. The petitioner who is a land broker wanted to visit the premises to find prospective buyer for the said purpose, he has taken the photographs at the instance of the sister of the defacto complainant. It is also submitted that there is a title dispute between the defacto complainant and his sister.



4. The defacto complainant now through his counsel intervening the hearing of the bail petition. It is brought to the notice of this Court by the learned counsel for the petitioner that the defacto complainant is a practicing advocate and because of his intervention, the petitioner is not given legal aid by the bar members of Kanyakumari @ Nagercoil. Since the members of the bar refused to take his plea, the petitioner approached this Court directly without filing bail petition before the Trial Court.

5. Considering the nature of allegation and the explanation given by the petitioner for his presence at the place of occurrence, it appears that the defacto complainant is seeing ghost in every shadow. On previous hearing, this Court, to know about the antecedents of the petitioner, adjourned the matter directing the learned Additional Public Prosecutor to furnish the details about the antecedents of the petitioner. The learned Additional Public Prosecutor unable to provide any information to assist the Court in this regard. According to him, the Investigating Officer has not turned up to give him instructions. Hence, this Court finds no reason to detain the petitioner any further in the prison provided his presence is well secured for investigation. In the result, 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 No.II, Nagercoil, Kanyakumari District;

(ii) the petitioner shall appear before the respondent police 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.

sd/-

12/06/2017

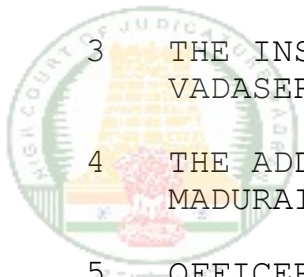
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3 THE INSPECTOR OF POLICE,
VADASERI POLICE STATION, KANYAKUMARI DISTRICT.

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

5 OFFICER IN CHARGE,
SUB JAIL, NAGERCOIL.

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+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.23951

ORDER

IN

CRL OP (MD) No.6857 of 2017

Date :12/06/2017

MKV-CM-MSA-SAR 2/13.6.2017/3P-7C