



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

Friday, the Seventh day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8540 of 2017

I.NASEER

... PETITIONER/ ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MARUVOOR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.56/2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.BHASKARAN Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

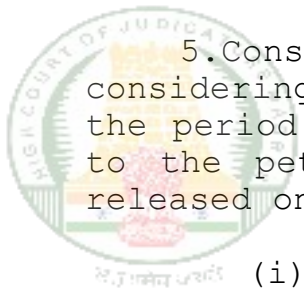
ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 06.06.2017 for the offences punishable under Sections 294 (b), 324, 386, 307 of IPC r/w. 4 of Women Harassment Act in Crime.No.56 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused have attacked the de facto complainant with Aruval and caused head injury. On complaint, a case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit 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 submit that the petitioner is in judicial custody from 06.06.2017.

4. The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that A1 was arrested and the specific overt act attributed against the petitioner is that he has induced the first accused to facilitate the occurrence. He would further submit that the injured was treated as out patient and the petitioner is not having any previous case, prior to this occurrence and the investigation is pending.



5.Considering the facts and circumstances of the case and also considering the fact that the injured was treated as out patient and the period of incarceration, 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, Thiruvaiyaru, Thanjavur District.

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(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/-

07/07/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU,
THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
3. THE SUPERINDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE
MARUVOOR POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.K.BHASKARAN Advocate SR.No.26015

ORDER

IN

CRL OP(MD) No.8540 of 2017

Date :07/07/2017