



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

Thursday, the Twentieth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9374 of 2017

DEVARAJ

... PETITIONER/SOLE ACCUSED

Vs

STATE THROUGH THE
THE INSPECTOR OF POLICE
MANDALAMANICKAM POLICE STATION,
MANDALAMANICKAM, KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT,
CRIME NO.70 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor,

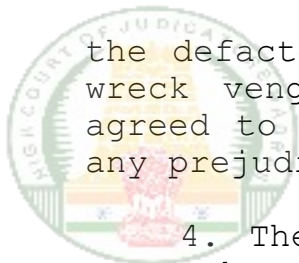
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 04.07.2017, for the offences punishable under Sections 451, 506(i) and 380 of IPC., and under Section 3 of PPDL Act, in Crime No.70 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner trespassed into the house of the defacto complainant and damaged the household articles such as T.V., Refrigerator etc., worth about to Rs.45,000/- and he also threatened the defacto complainant with dire consequences.

3. The learned counsel appearing for the petitioner states that the petitioner has never involved any offence, as alleged by the prosecution and the real fact is that the defacto complainant along with his family members said to have abused the character of the petitioner's mother and thereby, spread gossips about the character of the petitioner's mother in and around the village and in between the relatives of the petitioner. Hence, the mother of the petitioner aggrieved by that shared her grievance to her son, who in turn, getting provoked over the said act of the defacto complainant and her family members, entered into the wordy quarrel with the defacto complainant, which was in turn given a criminal colour by



the defacto complainant and a false case has been lodged by her to wreck vengeance. The learned counsel for the petitioner also agreed to deposit a minimum amount before the trial Court, without any prejudice to his contention in this case.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner herein is the sole accused in this case and he said to have trespassed into the house of the defacto complainant and damaged the household articles such as T.V., Refrigerator etc., worth about to Rs.45,000/- and also the petitioner threatened the defacto complainant with dire consequences and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also taking note of the submission of the learned counsel for the petitioner that the petitioner is voluntarily agreed to deposit a sum of Rs.10,000/- before the trial Court, 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, Kamuthi, Ramanathapuram District and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate, Kamuthi, Ramanathapuram, daily at 10.30 a.m., until further orders.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in Crime No. 70 of 2017, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram, within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

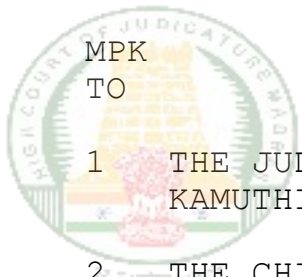
[d] the petitioner shall not abscond either during investigation or trial.

[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/-

20/07/2017

/ TRUE COPY /



MPK
TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
MANDALAMANICKAM POLICE STATION,
MANDALAMANICKAM, KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT,

4 THE OFFICER IN CHARGE
SUB JAIL, MUTHUKULATHUR, RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.26904

ORDER

IN

CRL OP(MD) No.9374 of 2017

Date :20/07/2017

SMA/PM-PN/SAR-3/20.07.2017:3P/7C