



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

Tuesday, the Twenty Fifth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9414 of 2017

SUDHARSAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NORTH POLICE STATION,
TUTICORIN DT.
(CRIME NO.328 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BOOMIRAJAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

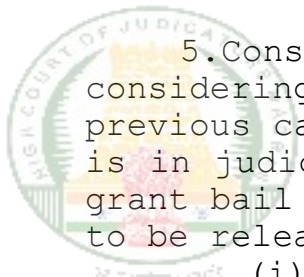
ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested and remanded to judicial custody on 18.06.2017 for the offences punishable under Sections 341, 294(b), 387, 307 and 506(ii) of IPC in Crime.No.328 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused waylaid the de facto complainant and taken away a sum of Rs.800/- from the pocket of the de facto complainant and the petitioner has attacked the de facto complainant with Aruval and no injury was caused and the other accused made threatened on dire consequences.

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 there is no previous case against the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally three accused in this case and the petitioner herein is arrayed as A1 and the earlier bail petition moved on behalf of this petitioner was dismissed by this Court on 06.07.2017 in CrI.O.P(MD).No.8470 of 2017. He would further submit that the petitioner is having two previous cases including for the offences under Sections 307 of IPC and the investigation is still pending.



5.Considering the facts and circumstances of the case and also considering the fact that no one has sustained injury and that the previous cases are in the year 2013 and 2014 and that the petitioner is in judicial custody from 18.06.2017, 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 No.III, Tuticorin.

(ii)the petitioner is directed to appear before the learned Judicial Magistrate No.III, Tuticorin, 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/-

25/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TUTICORIN.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 OFFICER IN CHARGE, DISTRICT JAIL, SRIVAIKUNDAM.
- 4 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, TUTICORIN DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.Boomirajan Advocate SR.No.27198

ORDER

IN

CRL OP(MD) No.9414 of 2017

Date :25/07/2017