



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

Wednesday, the Seventh day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1836 of 2018

SENTHIL

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
EAST POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.63 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.KARNAN, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 31.01.2018 for the alleged offences punishable under Sections 294(b), 506(i) of IPC., r/w Section 3(1) of TNPPDL Act, in Crime No.63 of 2018, seeks bail.

2. The case of the prosecution is that during the temple procession, the petitioner and other accused assaulted the defacto complainant and damaged the window glass worth about Rs.3,000/-. Hence, the case has been registered against the petitioner and other accused persons for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner along with the help of three other accused assaulted the defacto complainant in the temple procession. Consequently, he damaged the window glass worth about Rs.3,000/-. Now, during the time of investigation, broken glasses are recovered. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant



bail to the petitioner with certain conditions. 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.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur;

(ii) the petitioner shall deposit a sum of Rs.3,000/- to the credit of Crime No.63 of 2018 on the file of the learned Judicial Magistrate No.I, Thanjavur;

(iii) the petitioner shall report before the respondent police, daily at 10.00 a.m., for a period of three weeks;

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioner shall not commit any offence while on bail;

(vi) the petitioner shall not abscond either during investigation or trial;

(vii) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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/-
07/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
EAST POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.KARNAN Advocate SR.No.2041

ORDER IN
CRL OP(MD) No.1836 of 2018
Date : 07/02/2018