



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

Wednesday, the Fourteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4010 of 2018

NALLAPERUMAL

... PETITIONER/ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
TUTICORIN.
CR.NO.103 OF 2018,
TUTICORIN DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SENTHIL SANAKRA NATHA KUMAR, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, was arrested and remanded to judicial custody on 04.03.2018 for the offences punishable under Sections 435 IPC and Section 4 of TNPPDL Act in Crime No.103 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is said to have set fire on the defacto complainant's two wheeler and caused damage worth about Rs.15,000/-. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 04.03.2018. Hence, he prays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered.

6.It is alleged, during the time of occurrence, on 04.03.2018, the petitioner being the friend of the defacto complainant demanded money for providing food. Since the same was refused by the defacto complainant, he has damaged the spare parts of the vehicle belonging to defacto complainant, worth about Rs.15,000/-. Now, the petitioner is in judicial custody from 04.03.2018. Considering the nature of offence committed by the petitioner, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent 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.II, Tuticorin;

(ii) the petitioner shall appear before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

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

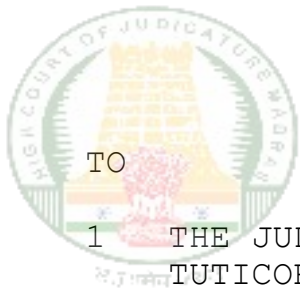
(iv) the petitioner shall not abscond either during investigation or trial;

(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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
14/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, TUTICORIN.
TUTICORIN DISTRICT.

4 THE OFFICER INCHARGE, PRISON,
PEROORANI, TUTICORIN DISTRICT.

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

+1. CC to M/S.S.SENTHIL SANAKRA NATHA KUMAR Advocate SR.No.4140

ORDER

IN

CRL OP(MD) No.4010 of 2018

Date :14/03/2018

PK/RR/SAR-3/15.03.2018 : 3P/7C