



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4460 of 2018

APPADURAI

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
THEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.09 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.SELVAKUMAR, Advocate

For Respondent : Mr.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 sole accused, was arrested and remanded to judicial custody on 19.01.2018 for the offences punishable under Sections 294(b), 387 and 506(ii) IPC in Crime No.09 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein is said to have abused the defacto complainant in filthy language and also threatened him to pay a sum of Rs.100/-. 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 19.01.2018.



4. The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner is having three previous cases and the investigation is pending.

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

6. It is alleged, during the time of occurrence, without any reason, the petitioner herein abused the defacto complainant in filthy language and threatened him to pay a sum of Rs.100/-. The petitioner is in judicial custody from 19.01.2018. As of now, portion of the investigation has been completed and the process of recovery also finished by the Investigating Officer. Even though the petitioner is having three previous cases, those cases were registered in the year 2012 and 2013. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion the further detention is not 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.III, Thirunelveli;

(ii) the petitioner shall appear before the respondent Police daily at 10.00 a.m. and 5.00 p.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]**.

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sd/-
21/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.3
THIRUNELVELI
 - 2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
 - 3 THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI
 - 4 THE INSPECTOR OF POLICE
THEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.S.SELVAKUMAR Advocate SR.No.4488

ORDER
IN
CRL OP(MD) No.4460 of 2018
Date :21/03/2018

trp
SH/PN/SAR-4:21.03.2018:3p/7c