



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

Wednesday, the Fourth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.4773 of 2018

ANNAMALAI @ DURAI

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION,
IN CR.NO. 56/2018

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.NEETHIMOHAN Advocate

For Respondent : Mr.PRABU RAMACHANDRAN,
Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused. He was arrested by the respondent police on 23.02.2018 and remanded to judicial custody on 24.02.2018 by the learned Judicial Magistrate No.II, Kovilpatti. The case against him is for the offences punishable under Sections 294(b), 307 and 506(ii) IPC, in Crime No.56 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 23.02.2018 the petitioner threatened the de-facto complainant to part with money to enable him to consume liquor. When the same was refused by the de-facto complainant, the petitioner abused him in filthy language, attacked him with aruval and caused simple injuries and also made criminal intimidation. On complaint, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that there are as many as 16 previous cases pending against the petitioner and he opposed grant of bail to him.

5.This Court went through the contents of the FIR. It is seen that de-facto complainant was not injured.

6. Considering the nature of allegations levelled against the petitioner and also considering the fact that he is in judicial custody from 24.02.2018, this Court is inclined to enlarge the petitioner on bail 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti.
- (ii) The petitioner shall appear before the respondent police as and when required for interrogation.
- (iii) The petitioner shall not abscond.
- (iv) 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/-

04/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI
 - 2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION,
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.K.NEETHIMOHAN Advocate SR.No.5360

ORDER IN
CRL OP (MD) No.4773 of 2018
Date :04/04/2018