



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

Tuesday, the Third day of April Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.5200 of 2018

R.MOSHI DHAYAN @ PALLAVILAI RAJESH, ... PETITIONER/ ACCUSED -7

Vs

THE STATE OF TAMILNADU,
THE INSPECTOR OF POLICE,
NESAMANI NAGAR POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT
CRIME NO.77 OF 2018 ... RESPONDENT / COMPLAINANT

For Petitioner : MR.ISSAC MOHANLAL SENIOR COUNSEL FOR
M/S.ISSAC CHAMBERS Advocate

For Respondent : MR.CHELLAPANDIAN ADDITIONAL ADVOCATE GENERAL FOR
MR.PRABHU RAMACHANDRAN,
Government Advocate (CrI. Side)

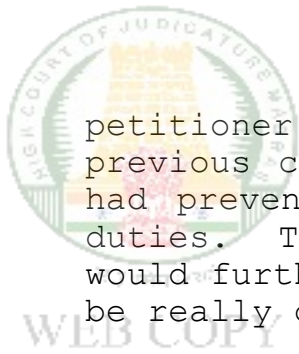
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is shown as the seventh accused in Crime No.77 of 2018 on the file of Nesamani Nagar Police Station, Kanyakumari District. He was arrested and remanded to judicial custody on 31.03.2018 for the offences punishable under Sections 147, 294(b), 332, 353, 506(i) of IPC and Section 4 of Tamil Nadu Prevention of Harassment of Women Act and 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act in Crime No.77 of 2018. He now seeks bail.

2.The defacto complainant in this case one Nadukkaattu Raja who is working as Joint Registrar of Cooperative Societies, Kanyakumari District. In Crime No.77 of 2018, there are 10 named accused and other unnamed accused. The petitioner is figuring as seventh accused. The allegation against the petitioner is that he and along with two accused had broken the office furniture of the defacto complainant and caused damage to the tune of Rs.8,000/-. Therefore, the present F.I.R has been registered.

3.The learned Additional Advocate General appearing for the respondent State strongly opposed the grant of bail to the



petitioner principally on the ground that there was already a previous case registered against the petitioner herein and that he had prevented the Election Returning Officer from discharging his duties. The learned Additional Advocate General for the respondent would further submit that if the present acts are condoned, it would be really cause danger to the democratic process.

4.The learned Senior Counsel appearing for the petitioner would however point out that the very same petitioner herein has already caused registration of Crime No.65 of 2014 on the file of the Vadaseri Police Station against the defacto complainant Nadukkattu Raja. Likewise, a previous case has been registered against the petitioner herein at the instance of the defacto complainant Nadukkattu Raja. It is thus clear that there is bad blood between the petitioner and the defacto complainant.

5.The learned Senior Counsel also submitted that without prejudice his contention that the petitioner is utterly innocent, the petitioner would deposit the said sum of Rs.8,000/- before the jurisdictional Magistrate to the credit of Crime No.77 of 2018 on the file of Nesamani Nagar Police Station.

6.Taking note of submissions made on either side, 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 condition:

(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-II, Nagercoil, Kanyakumari District.

(ii) The petitioner shall appear before the respondent as and when required and the petitioner shall not abscond.

(iii) On breach of any of the aforesaid condition, 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/-
03/04/2018

/ TRUE COPY /

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



SKM
TO

1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL,
KANYAKUMARI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
NESAMANI NAGAR POLICE STAION, NAGERCOIL,
KANYAKUMARI DISTRICT

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

5 THE SUPERINTENDENT
CENTRAL PRISON PALAYAMKOTTAI TRIUNELVELI DISTRICT

+1. CC to M/S.ISSAC CHAMBERS Advocate SR.No.5302

GJM/CM/VR/SAR-I-3.4.18-3P-7C

ORDER

IN

CRL OP (MD) No.5200 of 2018

Date :03/04/2018