



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

Monday, the Ninth day of April Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.5504 of 2018

SELVAN ROBERT

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
IN CR.NO. 57/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.T.PERUMAL Advocate

For Respondent : MR.PRABU RAMCHANDRAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

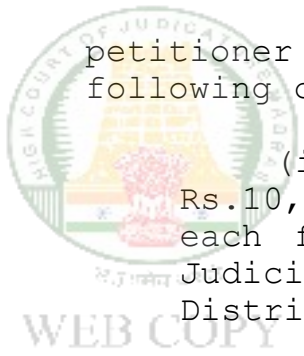
The petitioner is arrayed as Accused No.2. He was arrested and remanded to judicial custody on 17.02.2018 for the offences punishable under Sections 341, 294(b), 506(ii), 307 I.P.C., and Section 3(1) of TNPPDL Act, in Crime No.57 of 2018, on the file of the respondent police. He seeks bail.

2.On 16.02.2018, all the accused have wrongfully restrained the defacto complainant and abused him in filthy languages and attempted to attack him with weapons. Therefore, the respondent police registered a case in Crime No.57 of 2018.

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 and prays for bail in favour of the petitioner.

4.The learned Government Advocate(Criminal Side) opposed to grant of bail to the petitioner on the ground that the petitioner is a history sheeted rowdy element and there are as many as six cases registered against him.

5.However, taking note of the fact that the victim was treated as only out patient and also the fact that the petitioner is in judicial custody since 17.02.2018, 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, Padmanabhapuram, Kanyakumari District.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) 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/-
09/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE OFFICER IN CHARGE,
DISTRICT JAIL, NAGERCOIL.
 - 4 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.T.PERUMAL Advocate SR.No.60291

ORDER IN
CRL OP(MD) No.5504 of 2018
Date :09/04/2018