



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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21721 of 2018

LAKSHMANA PERUMAL

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION,
THENI DISTRICT.
Crime No.4 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.SELVARAJ Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

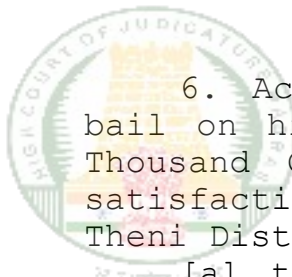
The petitioner, who was arrested by the respondent police on 22.11.2018, for the offences punishable under Sections 147,148,294 (b), 323, 506(ii) of IPC and Section 3(1) of TNPPDL Act, in Crime No.384 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioner along with other accused trespassed into the defacto complainant's garden and damaged the trees and abused him in filthy language and also threatened him with dire consequences.

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

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that due to civil dispute the petitioner along with other accused trespassed into the defacto complainant's garden and damaged the trees and abused him in filthy language and threatened him with dire consequences

5. Considering the above facts and circumstances of the case and also considering the period of incarceration and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner, with certain conditions.



6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Bodinaickanoor, Theni District and on further condition that:

[a] the petitioner shall appear before respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-
07/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
BODINAICKANOOR, THENI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION, THENI DISTRICT.

4. THE OFFICER INCHARGE,
SUB JAIL, UTHAMAPALAYAM.

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

+1. CC to Mr.R.SELVARAJ Advocate SR.No.22873

ORDER IN
CRL OP(MD) No.21721 of 2018
Date : 07/12/2018

TK/PN/SAR.1/07.12.2018/2P/7C