



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20914 of 2018

MAYANDI

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.320 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.RMS.SETHURAMAN, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

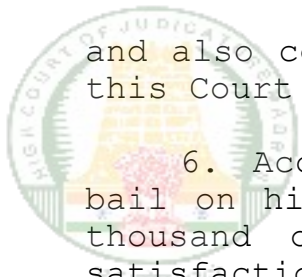
The petitioner was arrested and remanded to judicial custody since 27.08.2018 for the offences punishable under Sections 341, 294 (b), 307 & 506(ii) of IPC, in Crime No.320 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 27.08.2018, the accused waylaid the defacto complainant and demanded a sum of Rs.1,000/- for purchasing liquor and abused him with filthy language and assaulted by weapons. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case for the purpose of detaining the petitioner under Act 14. It is also submitted that the petitioner's detention under Goondas Act has been revoked by the Bar in G.O.Rt.No.4926, Home, Prohibition & Excise (XIV) Department, dated 07.11.2018.

4. The learned Government Advocate (Crl. side) would submit that investigation in this case is completed and charge sheet has been filed and the same was taken on file in P.R.C.No.36 of 2018 by the Judicial Magistrate No.III, Tirunelveli and posted for committal on 04.12.2018.

5.Considering the facts and circumstances of the case and the fact that the order of detention against the petitioner was revoked



and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

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 No.III, Tirunelveli and on further condition that:

[a] the petitioner shall report before the Judicial Magistrate No.III, Tirunelveli for all hearing dates and thereafter, before the Sessions Court Court concerned.

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

[c] the petitioner shall not tamper with evidence or witness 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 229A IPC.

sd/-

26/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUENLVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUENLVELI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.RMS.SETHURAMAN Advocate SR.No.22049

ORDER

IN

CRL OP(MD) No.20914 of 2018

Date :26/11/2018

MS/VR-MMS/SAR-4/26.11.2018/2P.7C