



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.253 of 2019

MUTHUMANO

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
TIRUNELVELI.
CRIME NO.276/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.SAMUEL GUNASINGH, Advocate

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

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

ORDER : The Court Made the following order :-

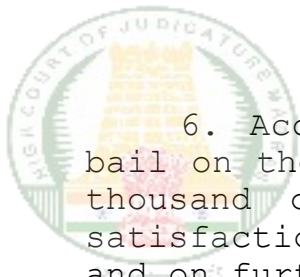
The petitioner was arrested and remanded to judicial custody since 18.12.2018 for the offences punishable under Section 5 of TNPPDL Act in Crime No.276 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with others has pelted stones on the Government TNSTC bus and caused damage to the tune of Rs.6000/-

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated as an accused and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that there are previous cases pending against the petitioner for the offences under Section 302 of IPC, 307 of IPC and 3 of TNPPDL Act.

5. Considering the facts and circumstances of the case 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 their 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.V, Tirunelveli and on further condition that:

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[a] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

[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/-

22/01/2019

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

TO

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

ORDER

IN

CRL OP(MD) No.253 of 2019

Date :22/01/2019

MS/VR/SAR-1/22.01.2019/2P.6C