



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3262 of 2019

PARAMASIVAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
Crime No.254/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.MUTHUPANDI Advocate

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

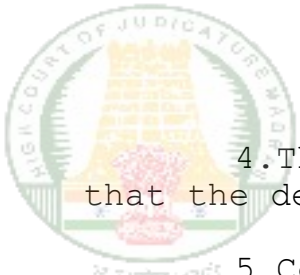
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 29.11.2018 for the offence punishable under Section 294 (b), 307, 387 and 506(ii) of IPC in Cr.No.254 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is running Bar opposite to the Srivaikundam TASMACHOP shop, while the defacto complainant opening the shop, the petitioner arrived and demanded Rs.200/- for liquor. Since the defacto complainant was refused for the same, there was a wordy quarrel arose between them and the petitioner attempted to attack the defacto complainant with Aruval. Hence, this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Considering the previous cases against the petitioner, the respondent police trying to detain the petitioner Section 2 (f) of Tamil Nadu Act 14 of 1982. However, the said detained order was set aside by the Advisory Board and the petitioner is ready to abide any condition to be imposed by this Court. In view of the above change of circumstances, he prayed for bail.



4. The learned Government Advocate (Crl. Side) would submit that the detained order was set aside by the Advisory Board.

5. Considering the facts and circumstances of the case and considering the period of incarceration, 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaikundam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily twice daily at 10.30 a.m. and 5.30 p.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
04/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
SRIVAİKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.P.MUTHUPANDI Advocate SR.No.4221

ORDER

IN

CRL OP (MD) No.3262 of 2019

Date : 04/03/2019

TK/JC/SAR-4/04.03.2019/3P/7C