



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 27/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8913 of 2019

M.Siva @ Sivalingam

... Petitioner/sole Accused

Vs

State Rep.by
The Inspector of Police,,
Srivaikundam Police Station,
Tuticorin District.
(Crime No.256/2018).

... Respondent/Complainant

For Petitioner : M/s.V.Kishokkumar
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor,

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

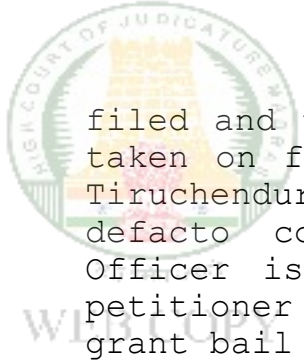
PRAYER :-

For Bail in Crime No.256/2018 on the file of the respondent Police.

ORDER : The Court Made the following order :-

1. This petition has been filed by the petitioner/sole Accused, seeking bail for the alleged offences punishable under Sections 294 (b), 387, 307 and 506(ii) I.P.C in Cr.No.256 of 2018.

2. The learned counsel appearing for the petitioner has submitted that as per the F.I.R, the petitioner has demanded Rs.500/- from one Ramar @ Katta Ramar and when the said Ramar @ Katta Ramar refused to pay the amount, the petitioner attempted to assault him with knife and attempted to commit the murder. He further submitted that no one sustained any injury. He further submitted that the said case was registered against the petitioner only for the purpose of detaining the petitioner under the GOONDAS Act and the detention order was also quashed by the Advisory Board. He also submitted that previous bail applications were dismissed by this Court by considering the submission of the learned Additional Public Prosecutor that 30 previous cases are pending against the petitioner. He further submitted that the petitioner is in custody from 02.12.2018 and after investigation, charge-sheet has also been



filed and the case has been committed to the Court of Sessions and taken on file in S.C.No.103/2019 by the learned Subordinate Judge, Tiruchendur and during trial, all the eye witnesses including the defacto complainant turned hostile and only the Investigating Officer is yet to be examined and that in the other cases, the petitioner is on bail. Under the said circumstances, he prayed to grant bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has fairly conceded that all the eye witnesses including the defacto complainant turned hostile and only the Investigating Officer is yet to be examined. He also conceded that the detention order was quashed by the Advisory Board. However, he opposed this petition as 30 previous cases are pending against the petitioner.

4. Taking into consideration of the fact that the value of the property involved in this case is only Rs.500/-; that no one sustained any injury; that the detention order has been quashed by the Advisory Board, that all the eye witnesses including the defacto complainant turned hostile and that the petitioner is in custody for the past 200 days and in all the other cases, the petitioner is on bail, this Court is inclined to grant bail by imposing conditions.

[a] 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 Judicial Magistrate Court, Srivaikundam.

[b] the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of one month and thereafter, as and when required for the interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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 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].

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

sd/-

27/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, SRIVAICKUNDAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE,
SRIVAICKUNDAM POLICE STATION, TUTICORIN DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.KISHOKKUMAR Advocate SR.No.10632

ORDER
IN
CRL OP (MD) No.8913 of 2019
Date :27/06/2019

MS/VR/SAR-4/27.06.2019/3P.7C