



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

Monday, the Twenty Seventh day of April Two Thousand Fifteen

PRESENT

WEB COPY **The Hon`ble Mr Justice K.KALYANASUNDARAM**

CRL OP (MD) No.7985 of 2015

1 PARTHIBAN
2 PITCHANDI

... PETITIONERS / ACCUSED 11 & 13

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.74/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.DEENADHAYALAN, Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

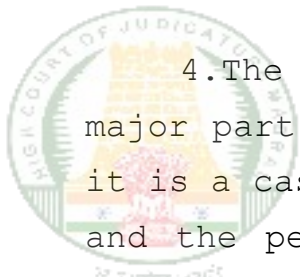
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A-11 and A-13 in Cr.No.74 of 2015 on the file of the respondent police, arrested on 13.03.2015 for the alleged commission of offences under Sections 147, 148, 302, 307, 506(ii) I.P.C @ 147, 148, 302, 307, 506(ii) IPC r/w 120-B of I.P.C in Crime No.85 of 2014 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, the accused 1 to 5 waylaid the deceased and attacked him with deadly weapons. The other accused had conspired and aided A-1 to A-5 for the commission of the offence.

3. The learned counsel for the petitioners submitted the petitioners are innocent and they have been falsely implicated in this case and even as per the prosecution case, the petitioners were not present in the scene of occurrence and they were implicated as one of the conspirators of the occurrence.



4.The learned Government Advocate (Crl.side) submitted that major part of the investigation is over. He further submitted that it is a case of communal clash and tension is prevailing in the area and the petitioners conspired with the main accused to commit the murder. He further submitted that second petitioner/A-13 is having 2 previous cases, including the offence under Sections 302 and 379 I.P.C.

5.At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw the bail petition for the second petitioner. Hence, the bail application in respect of the second petitioner is dismissed as withdrawn.

6. Considering the facts and circumstances of the case, I am inclined to enlarge the first petitioner/A-11 on bail on the following conditions. Accordingly, the first petitioner is directed 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, Srivaikundam, and on further condition that the first petitioner shall stay at Trichy and report before the Trichy Cantonment police Station, daily at 10.00 a.m until further orders.

sd/-
27/04/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, TUTICORIN DISTRICT.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
 - 3 THE INSPECTOR OF POLICE, SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.
 - 4 THE OFFICER IN-CHARGE, TRICHY CANTONMENT POLICE STATION, TRICHY.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.DEENADHAYALAN, Advocate SR.No.22236.

ORDER IN
CRL OP(MD) No.7985 of 2015
Date :27/04/2015