



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

Tuesday, the First day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22423 of 2015

SANKAR

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
VICKRAMASINGAPURAM POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO.56 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.JEGADEESH PANDIAN Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

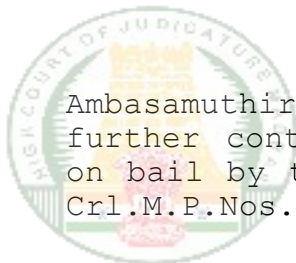
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is the accused No.3, in Crime No.56 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 25.09.2015 for the alleged offences punishable under Sections 147,148,323,324,506(ii) and Section 4 of TNPHW Act altered into Sections 147,148,323,324,506(ii) and 302 of IPC and hence, seeks bail.

2. The case of the prosecution is that the first accused / John Joseph is having brick chamber, near the house of the deceased and he was transporting the sand illegally. On seeing this, a complaint was lodged by the deceased viz., Savitiri to the Police and a case has been registered and thereafter, he was detained under Act 14. Due to that motive, A1 got vengeance against the deceased and on 31.03.2015, the first accused along with other accused conspired together and went to the house of the deceased and assaulted her by using wooden log in front of her daughters. Due to that, she sustained injury and a complaint was lodged by the daughter of the deceased. Subsequently, a case has been registered and thereafter, the deceased died on 03.05.2015 and hence, a case has been altered into Sections 147,148,323,324,506(ii) and 302 of IPC.

3. The learned counsel appearing for the petitioner submitted that the petitioner's name is not found in the First Information Report and he further submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and arrayed as A3, only based on the confession given by A1. He further stated that the deceased was affected with diabetic and her left leg was amputated, due to that she died on 03.05.2015. He further submitted that the charge sheet been filed and the same was taken on file, on the file of the learned Judicial Magistrate,



Ambasamuthiram, Thirunelveli District, in PRC.No.96 of 2015. It is further contended that the co-accused were already arrested and enlarged on bail by the learned Principal Sessions Judge, Thirunelveli Division in Crl.M.P.Nos.6594 of 2015 and 5940 of 2015 respectively.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is having two previous cases and the charge sheet has not been filed and the investigation is pending. He would further submit that if the petitioner is enlarged on bail he will tamper the evidence and hamper the investigation and hence, he strongly objected to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact the co-accused were already enlarged on bail, this Court is inclined to grant bail to the petitioner with certain conditions. 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, Ambasamuthiram, Thirunelveli District and on further condition that the petitioner shall stay at Trichy and report before the Trichy Town Police Station daily at 10.00 am until further orders.

sd/-
01/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, AMBASAMUTHIRAM.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, VICKRAMASINGAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE OFFICER INCHARGE, TRICHY TOWN POLICE STATION, TRICHY.
- 6 THE SUPERINTENDENT ,CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S M.JEGADEESH PANDIAN Advocate SR.No. 68790.

TS/02.12.2015/2P-8C/ SK-SKN/SAR - I

ORDER
IN
CRL OP(MD) No.22423 of 2015
Date :01/12/2015