



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

Friday, the Eleventh day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23030 of 2015

SUBBIAH PANDIAN @ MURUGAIAH PANDIAN , ... PETITIONER / ACCUSED No.5

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
ACHANPUDUR POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO.222 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

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

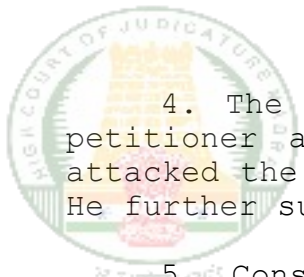
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No. 5, in Crime No.222 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 22.09.2015 for the alleged offences punishable under Sections 147,323 and 365 of IPC @ Sections 147,148,364,302 and 201 of IPC and hence, seeks bail.

2. The case of the prosecution is that the de facto complainant gave a complaint against 5 unknown persons that they came in Mahendira Logan Vehicle bearing Regn.No.TN 03 0002 and kidnapped her husband. In the investigation, it was found that A1 purchased a car, by borrowing loan from the Finance Company and subsequently, he did not repay the same. The finance company seized the vehicle. A1 was under the impression that the husband of the defacto complaint helped the finance Company and seized the vehicle of A1 and due to that motive the accused persons murdered the husband of the defacto complainant. Hence, the case registered against the petitioner has been altered into under Sections 147,148,364,302 and 201 of IPC.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and he further submitted that the name of the petitioner is not found in FIR and only based on the confession of A1, the petitioner has been falsely implicated in this case. He further contended that co-accused viz., A3 and A4 were already granted bail, by this Court in Crl.O.P(MD).No.21316 of 2015, dated 06.11.2015 and A2 was granted anticipatory bail in Crl.O.P(MD).No.20596 of 2015 dated 29.10.2015.



4. The learned Government Advocate (Crl. Side) submitted that the petitioner along with other accused came in the Mahendira Vehicle and attacked the deceased and caused injury and due to that the deceased died. He further submitted that the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused were already granted bail by this Court and that the petitioner is in judicial custody from 22.09.2015, 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, Shengottai and on further condition that the petitioner shall appear before the respondent Police daily at 10.00 am until further orders.

sd/-
11/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SHENGOTTAI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ACHANPUDUR POLICE STATION,
TIRUNELVELI DISTRICT,
- 5 THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.71145.

TS/11.12.2015/2P-7C/NGM-SS/SAR - II

ORDER
IN
CRL OP(MD) No.23030 of 2015
Date :11/12/2015