



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

Monday, the Sixteenth day of March Two Thousand Fifteen

PRESENT

WEB COPY

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.2557 of 2015

ARIVAZHAGAN

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
CRIME NO.535/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M. SUBASH BABU Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested on 31.12.2014 for the offence punishable under Section 302 IPC r/w Section 3(2)(V) SC ST (POA) Amendment Ordinance Act, 2014 in Crime No.535 of 2014 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 24.12.2014, one Karnan was murdered by one Malaichamy the first accused in this case following a wordy quarrel. The said Malaichamy surrendered before the learned Judicial Magistrate No.1, Sivagangai on 24.12.2014 and he was taken into police custody. During police custody, he gave confession statement in which he disclosed the involvement of this petitioner in the offence. The allegation against this petitioner is that he caught hold of the deceased when the said Malaichamy attacked him.

3. The learned counsel for the petitioner would submit that the petitioner has been in custody from 31.12.2014.

4.The learned Government Advocate(Crl. Side) submits that no previous case is pending against this petitioner.

5. Under such circumstances, this Court is of the view that it is a fit case to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on condition the petitioner shall execute 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 No.II, Ramanathapuram, and on further condition that:

[a] the petitioner shall stay at Madurai and he shall report before Tallakulam Police Station daily twice at 10.30 a.m and 6:30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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]**. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl.side) as to whether the petitioners are complying with the order or not.

sd/-

16/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 - 3 THE INSPECTOR OF POLICE, KENIKARAI POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
 - 4 THE OFFICER IN-CHARGE, TALLAKULAM POLICE STATION, MADURAI.
 - 5 THE OFFICER IN-CHARGE, SUB-JAIL, RAMANATHAPURAM.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M. SUBASH BABU, Advocate SR.No.12410.

ORDER IN
CRL OP(MD) No.2557 of 2015
Date :16/03/2015

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