



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

Friday, the Ninth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.322 of 2015

1 MANTHIRMOORTHY MOORTHY

2 KANNAN

3 RAJA @ ILLAYAPERUMAL

4 MAHESH ... PETITIONER(S) / ACCUSED 10,11,14 & 20

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO.246/2014.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.R.A.RAMACHANDRAN Advocate

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 30.10.2014, for the offences punishable under Sections 147, 148, 449, 302, 506(ii) r/w 149 of the Indian Penal Code in Crime No.246 of 2014 on the file of the respondent police, seek bail.

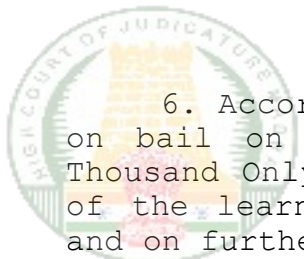
2. The case of the prosecution is that the accused have entered into the house of the deceased and attacked him indiscriminately, resulting in his death. It is further stated that the murder took place on account of retaliation.

3. It is represented by the learned Additional Public Prosecutor that the petitioners 1 to 3 herein have one previous case to their credits. As regards the fourth petitioner herein, there is no previous case.

4. Taking into consideration of the serious allegations levelled against the petitioners 1 to 3, this Court is not inclined to grant bail to them. Accordingly, this Criminal Original Petition is dismissed in respect of the petitioners 1 to 3 herein.

<https://hcservices.ecourts.gov.in/hcservices/>

5. As regards the fourth petitioner, this Court finds that the allegations against him are not serious and therefore, this Court is inclined to grant bail to him.



6. Accordingly, the fourth petitioner herein 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, Cheranmahadevi, Tirunelveli District and on further condition that:

[a] the fourth petitioner shall report before the respondent police twice a day daily at 10.30 a.m. and 6.30p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[c] the fourth 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 fourth petitioner in accordance with law as if the conditions have been imposed and the fourth 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]**.

sd/-
09/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI
- 2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE SUPERINTENDENT OF CENTRAL PRISON, MADURAI.

+1. CC to M/S.S.R.A.RAMACHANDRAN Advocate SR.No.1103.

TS/12.01.2015/2P-7C

ORDER
IN
CRL OP(MD) No.322 of 2015
Date :09/01/2015