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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Fifth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.436 of 2015

1 JEGAN @ JEGANATHAN
2 KANNAN ... PETITIONERS/ACCUSED NO.5 & 6

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
G.VILAKKU POLICE STATION,
THENI DIST, CR.NO.247/2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SURESH KUMAR Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
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 09.11.2014 for the offences punishable under Sections 120 (b), 109, 302 r/w 34 IPC in Crime No.247 of 2014 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 08.11.2014, an unidentified body was found, based on which, a case in Crime No.247 of 2014 was registered under Sections 302 IPC with unknown accused. On 09.11.2014, one of the accused were arrested and then it came to light that these accused had joined together and committed the murder of the deceased. The motive appears to be two fold. One motive is that, there was cable TV rivalry between the deceased and the petitioners. Yet another motive is that the deceased was going to marry one Kalavathy, which was resented by A1. Now it appears that these petitioners are in incarceration for nearly 88 days and the investigation has also been completed and there are no bad antecedents for the accused. Under such circumstances, I am inclined to grant bail to this petitioners.

4. Accordingly, the petitioners are ordered to be released on bail on their 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 **(*)the District Munsif cum Judicial Magistrate, Andipatti** and on further condition that:

[a] the petitioners 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.

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

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

[e] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether these petitioners are complying with the condition or not.

sd/-
05/02/2015

(*)AMENDMENT AS PER ORDE OF THIS COURT DT.06.02.2015

/ TRUE COPY /

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

TO
TO BE SUBSTITUTED ORDER ALREADY DESPATCHED

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ANDIPATTI

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

4 THE SUB INSPECTOR OF POLICE G.VILAKKU POLICE STATION,
THENI DISTRICT.

5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SURESH KUMAR Advocate SR.No.5286
ORDER
IN
CRL OP(MD) No.436 of 2015
Date :05/02/2015

NA/05/02/2015/P2/7C

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