



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.442 of 2015

K.LEKSHMANAN

..PETITIONER/ACCUSED No.4

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
K.VILAKKU POLICE STATION,
THENI DISTRICT.
CRIME NO.247/2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.SURIYANARAYANAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, 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 A4 was arrested and remanded to judicial custody on 15.11.2014 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 against unknown accused. On 09.11.2014, one of the accused was arrested and then it came to light that this 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 petitioner. Yet another motive is that the deceased was going to marry one Kalavathy, which was resented by A1. Now, it appears that this petitioner is 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 petitioner.

4. 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, Andipatti, Theni District, and on further condition that:

[a] the 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 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]**.



[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 petitioner is complying with the condition or not.

sd/-

05/02/2015

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, ANDIPATTI, THENI DISTRICT.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, THENI.

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

4 THE INSPECTOR OF POLICE, K. VILAKKU POLICE STATION, THENI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.R.SURIYANARAYANAN Advocate SR.No.5383

ORDER IN

CRL OP(MD) No.442 of 2015

Date :05/02/2015

PBK 05/02/2015 ::2P-7C: