



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twelfth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4636 of 2015

SHANMUGA SUNDARAM

..PETITIONER/ACCUSED No.6

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.286/2012

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR 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 was arrested and remanded to judicial custody on 15.12.2014 for the offences punishable under Sections 147, 148, 341, 420, 364, 395 r/w 397 IPC, in Crime No.286 of 2012, on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) for the respondent police.

3. This is the second bail application and the first bail application was dismissed by this Court, by a well considered order, dated 05.02.2015 made in Crl.O.P.(MD)No.763 of 2015.

4. The learned counsel for the petitioner submits that this petitioner was arrested on 15.12.2014 and is in incarceration since then. It is also represented that the co-accused in this case, namely Prasath (A-3) and Kathiravan (A-8) have been granted bail by the Sessions Court in Crl.M.P.No.162 of 2015 on 06.03.2015. It is also stated that the principal accused is still absconding and, therefore, the possibilities of the police filing the final report before the 90 day period is very remote.

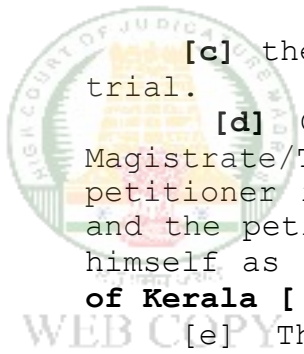
5. It is represented by the learned Government Advocate (Criminal side) that there is no previous case against this petitioner.

6. In view of the above, this Court is of the view that it is a fit case to grant bail to this petitioner. 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, Periyakulam, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 06.30 p.m., for a period of four weeks and thereafter, as and when served.

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

[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 (Criminal side), whether the petitioner is complying with the order or not.

sd/-
12/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM, 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, DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISION, MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.12197
ORDER IN
CRL OP(MD) No.4636 of 2015
Date :12/03/2015

PBK 13/03/2015 ::2P-7C: