



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

Monday, the Nineteenth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.599 of 2015

WEB COPY

1 S.SAHABUDEEN

2 MOHAMED SALEEM

... PETITIONERS/ACCUSED NO.1 AND 3

Vs

THE STATE REP BY

THE INSPECTOR OF POLICE

ERWADI DURGAH POLICE STATION,

RAMANATHAPURAM DISTRICT.

CRIME NO.145 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.JEGADEESWARAN 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 13.11.2014 for the offences punishable under Section 341, 342 and 302 IPC in Crime No.145 of 2014 on the file of the respondent police, seek bail.

2. This is the third bail application. Earlier two applications filed by these petitioners in Crl.O.P.(MD) Nos.22444 of 2014 and 23922 of 2014 were dismissed by this Court on 11.12.2014 and 30.12.2014 respectively, as investigation was at the very preliminary stage.

3. The case of the prosecution is that A1 is into the business of giving vessels on hire to various customers. In this regard, the *de-facto complainant* had taken some vessels and not returned the same. Therefore, a quarrel ensued between the accused and the de-facto complainant, in which, the son of the de-facto complainant was fatally attacked by the accused. It is seen that these accused were arrested on 13.11.2014 and the co-accused have already been granted bail in this case vide Crl.O.P.(MD) No.23922 of 2014. Since the investigation almost completed, I am inclined to grant bail to the petitioners, but with conditions.

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 Judicial Magistrate, No.II, Ramanathapuram, 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.

[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]**.

sd/-

19/01/2015

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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 ERWADI DURGAH POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER-IN-CHARGE DISTRICT PRISON, RAMANATHAPURAM
- 5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.JEGADEESWARAN Advocate SR.No.2137

ORDER

IN

CRL OP(MD) No.599 of 2015

Date :19/01/2015

NA/19/01/2015/P2/7C