



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

Friday, the Twenty Second day of July Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12490 of 2016

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SUDALAIMUTHU @ MUTHUSAMY,

... PETITIONER /1st ACCUSED

Vs

The State rep.by
THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.198 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.THIYAGARAJAN Advocate

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

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

ORDER : The Court Made the following order :-

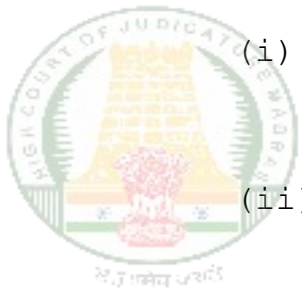
The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 25.05.2016 for the alleged offences punishable under Sections 120(b), 302 and 341 of IPC, in Crime No.198 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 15.05.2016 the petitioner along with other accused way-laid the deceased and attacked him with knife and caused death. On complaint, case has been registered for the above said offences

3.The case of the petitioner is that the petitioner voluntarily surrendered before the Village Administrative Officer and confessed having committed offence. He is an innocent and he has not committed any offence as alleged by the prosecution. He is in judicial custody for more than 56 days.

4.The learned Government Advocate(Crl.side) submitted that the petitioner is arrayed as accused No.1 and A1 and A2 are fell in love. A2 and A4 are the sisters. The deceased is the husband of A4. The deceased used to quarrel with A4 in drunken mood, due to that, all the accused persons conspired together and attacked the deceased and committed murder. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 25.05.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:



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- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

22/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
- 4 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.THİYAGARAJAN Advocate SR.No.38957

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ORDER

IN

CRL OP(MD) No.12490 of 2016

Date :22/07/2016