



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

Friday, the Twenty Sixth day of August Two Thousand Sixteen
PRESENT

The Hon`ble Dr.Justice S.VIMALA

CRL OP(MD) No.15698 of 2016

1 RAJAPPAN ALIAS RAJA
2 MARIKANI

... PETITIONERS/ACCUSED NOS.6&7

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT
(CRIME NO.148 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.THURUVADI KUMAR Advocate
For Respondent : M/S.A.P.BALASUBRAMANI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.6 and 7, who were arrested and remanded to judicial custody on 02.08.2016 for the alleged offences punishable under Sections 302 & 201 IPC, in Crime No.148 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the accused have indiscriminately assaulted the deceased with hands, kicked him with legs on his chest and neck and caused death and in order to screen the offence, the accused have thrown the body into the well. On complaint, a case has been registered for the above said offence.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The relatives of the deceased assaulted A1, for which he had lodged a complaint against them and pursuant to the coercion of the relatives of the deceased, the accused persons were taken into illegal custody and were roped in the present case. A1 was granted bail by this Court in Crl.O.P.(MD)No.13014 of 2016 on 08.08.2016 and A2 was granted bail by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.4374 of 2016 on 17.08.2016. The petitioners are in judicial custody from 02.08.2016.

4.The learned Government Advocate(Crl.side) submitted that the petitioners attacked the deceased with hands and legs and major part of the investigation is over and only the Chemical Analyst Report is awaited.

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

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody



from 02.08.2016 and also considering the fact that major part of the investigation is over, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

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- (i) Each of the petitioners shall execute 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, Sattur.
- (ii) the petitioners shall report before the said Court once in a week i.e., on every Monday at 10.30 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-

26/08/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, SATTUR
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 5.THE INSPECTOR OF POLICE, SATTUR TALUK POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT

+1. CC to M/S.A.THRUVADI KUMAR Advocate SR.No.47452
RL/7C/2P/SK/SKN/SARI/26/8/2016

ORDER

IN

CRL OP(MD) No.15698 of 2016

Date :26/08/2016