



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16350 of 2016

K. PRAKASH

... PETITIONER/ACCUSED No.8

Vs

THE STAE REP.BY
THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 350 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SIVAPRAKASH Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

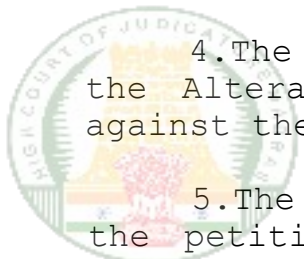
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.8, who was arrested and remanded to judicial custody on 14.07.2016 for the alleged offences punishable under Section 302 IPC @ Sections 120(b), 147, 148 and 302 IPC, in Crime No.350 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons conspired together and murdered the deceased. On complaint, initially a case has been registered under Section 302 IPC and thereafter altered into Sections 120(b), 147, 148 and 302 IPC.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner's name has not been mentioned in the FIR. The petitioner is a Fast Track Call Taxi driver. He was engaged by A.1 on 11.07.2016 to go to Vadipatti and return back to Madurai. At Vadipatti, he was asked to stop the car near Madha Temple and the accused persons went out and after 30 minutes they came back and the petitioner dropped them in Madurai. He has nothing to do with the alleged occurrence. The petitioner is in judicial custody from



4.The learned counsel for the petitioner submitted that even in the Alteration Report, there is no specific overtact attributed against the petitioner.

5.The learned Government Advocate (Crl. side) submitted that the petitioner and other accused persons conspired together and murdered the deceased. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

6.Considering the facts and circumstances of the case and also considering the nature of allegation against the petitioner mentioned in the Alteration Report and the petitioner is in judicial custody from 14.07.2016, 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:

- (i) the petitioner 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, Vadipatti.
- (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].

7.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/-

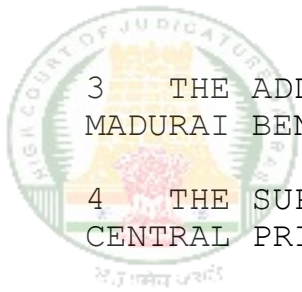
01/09/2016

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

TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI.



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

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE
VADIPATTI POLICE STATION,
MADURAI DISTRICT.

+1. CC to M/S.S.SIVAPRAKASH Advocate SR.No.49212.

ORDER

IN

CRL OP(MD) No.16350 of 2016

Date :01/09/2016

AM/SK.SKN/SAR-AE/01.09.2016/3P/7C