



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

Monday, the Fourth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.24985 of 2015

MIYAN @ SYED JAHKIR HUSSAIN

... PETITIONER / ACCUSED No.4

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE

SIVAKASI EAST POLICE STATION,

VIRUDHUNAGAR DISTRICT, CR NO. 447/2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.KARUNANITHI 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 is arrayed as A4, in Crime No.447 of 2015 on the file of the respondent police, was arrested on 13.10.2015 for the alleged offences punishable under Sections 120(B), 147, 148 and 302 of IPC and hence, seeks bail.

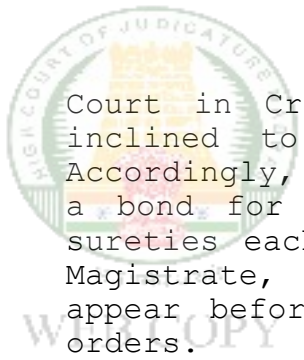
2.The case of the prosecution is that the petitioner along with other accused persons conspired together and caused death of the deceased.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and his name is falsely implicated only on the ground that he helped the other accused to surrender before the Court and the petitioner is a thyroid patient and he need proper medical treatment. He further submitted that the deceased is a rowdy element and 20 previous cases are pending against him and due to that enmity, the deceased was murdered by some unknown persons. The learned counsel for the petitioner submitted that the petitioner is in judicial custody from 13.10.2015 and other co-accused were arrested and released on bail by this Court in Crl.O.P(MD)No.25977 of 2015 dated 29.12.2015.

4.The learned Government Advocate (Crl.side) submitted that there is a specific overt act attributed to the petitioner and only the petitioner attacked the deceased and caused fracture and subsequently, he died. He further submitted that the investigation is pending. The petitioner is having one previous case. The learned Government Advocate (Crl.side) also submitted that the other co-accused were arrested and released on bail by this Court.

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

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 13.10.2015 and other co-accused were arrested and released on bail by this



Court in Crl.O.P(MD)No.25977 of 2015, dated 29.12.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on 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, Sivakasi and on further condition that the petitioner shall appear before the respondent Police daily at 10.00 a.m., until further orders.

sd/-
04/01/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAKASI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S M.KARUNANITHI Advocate SR.No.144.

TS/04.01.2016/2P-7C/GSV-AN/SAR - I

ORDER
IN
CRL OP(MD) No.24985 of 2015
Date :04/01/2016