



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

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10467 of 2016

K. MURUGANANTHAM

... PETITIONER/ACCUSED No.9

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TRICHY DISTRICT.
CRIME NO. 105 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S K.SIVABALAN, ADVOCATE

FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

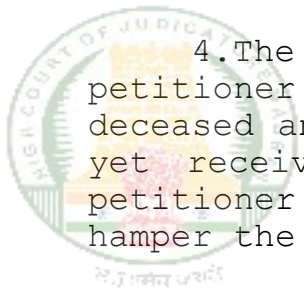
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.9, who was surrendered before the learned Judicial Magistrate, Thiruthuraipoondi and remanded to judicial custody on 28.03.2016 for the alleged offences punishable under Sections 147, 148, 302, 201 r/w 120(b) IPC, in Crime No.105 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that one Kurshid Banu lodged a complaint that her husband is missing from 22.03.2016 and a case has been registered as 'man missing' on 24.03.2016. On 24.03.2016, one Viji @ Vijay has voluntarily appeared before the Village Administrative Officer, K.Abhishekapuram and has given a statement to the effect that due to the civil dispute between the families of the petitioner and the deceased, the petitioner and other accused conspired together and murdered the deceased. Based on the said statement, FIR was altered into Sections 147, 148, 302 and 201 read with 120(b) I.P.C.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. There is no civil dispute between the families of the petitioner and deceased and the petitioner and his family members were falsely implicated in this case based on the alleged statement given by the said Viji @ Vijay to the Village Administrative Officer. The petitioner is in judicial custody from 28.03.2016.



4.The learned Government Advocate(Crl.side) submitted that the petitioner and ten others conspired together and murdered the deceased and investigation is pending and D.N.A. Test report is not yet received as the body was in a decomposed stage. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence took place on 21.03.2016 and the petitioner is in judicial custody from 28.03.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his 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.2, Trichy and on further condition that the petitioner shall appear before the respondent police daily twice i.e., at 10.00 a.m. and 05.00 p.m. until further orders.

sd/-
28/06/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
5. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1. CC to M/S K.SIVABALAN Advocate SR.No. 33479

ORDER
IN
CRL OP(MD) No.10467 of 2016
Date :28/06/2016

AM