



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen
PRESENT

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

CRL OP(MD) Nos.11258 & 11259 of 2016

WEB COPY

DINESH @ CHINNA DINESH ... PETITIONER/ACCUSED NO.5
IN CRL.OP(MD).No.11258/2016
ARUNPRASATH @VAGNA ARUN @
ARUN @ARUN PRAKASH ... PETITIONER/ACCUSED NO.4
IN CRL.OP(MD).No.11259/2016
Vs

STATE REP BY THE SUB INSPECTOR OF POLICE
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL(CRIME NO. 515/2016) ... RESPONDENT/COMPLAINANT
IN BOTH CASES

For Petitioner : M/S D.RAMESHKUMAR Advocate IN CRL.OPs
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

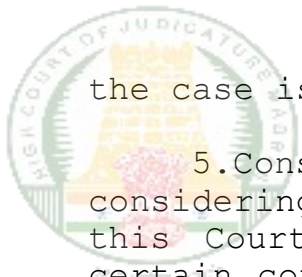
ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused nos. 4 and 5 were arrested and remanded to judicial custody on 29.04.2016 and 12.04.2016 respectively for the alleged offences punishable under Sections 147,148,341,302 and 506(ii) of IPC in Crime No.515 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that due to previous money transactions, A1 and the defacto complainant's son developed enmity, for which, the accused persons assaulted the defacto complainant and murdered him. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that defacto complainant who is the mother of the deceased herself is eye witness, but, she did not mention the names of the petitioners in the complaint. It is further contended that only based on confession, their names have been falsely implicated in this case and they are in judicial custody from 29.04.2016 and 12.04.2016 respectively and prays for enlarging the petitioners on bail.

4.The learned Government Advocate(Crl.side) submitted that A1 to A3 already detained under Act 14 and the petitioners are A4 and A5. He further submitted that the petitioners caught hold and prevented the deceased from escaping and the petitioners are having two previous cases. He further contended that if the petitioners are enlarged on bail they will abscond and tamper the witness and hamper the investigation. He has also contended that the investigation of



the case is completed and the charge sheet has also filed.

5. Considering the facts and circumstances of the case and also considering the fact that the charge sheet has already been filed, 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:

- (i) each of 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 No.II, Dindigul.
- (ii) the petitioners shall appear before the Court concerned daily at 10.30 am 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, as to whether the petitioners are complying with the condition or not.

sd/-
13/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL
 - 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
 - 3 THE SUB INSPECTOR OF POLICE
DINDIGUL TOWN NORTH POLICE STATION, DINDIGUL
 - 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- +2. CC to M/S D.RAMESHKUMAR Advocate SR.No.36168,36169

ORDER IN

CRL OP (MD) No.11258 & 11259 of 2016
Date : 13/07/2016