



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11413 of 2016

MURALI KANNAN

... PETITIONERS/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TIRUCHIRAPPALLI.
(CR.NO.105/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S I.MURUGESAN 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 :-

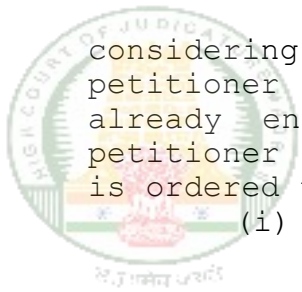
The petitioner is arrayed as accused, who was surrendered before the learned Judicial Magistrate No.II, Tiruchirappalli and remanded to judicial custody on 28.03.2016 for the alleged offences punishable under Sections 147, 148, 302, 201 r/w 120(b) IPC, in Crime No.105 of 2016, on the file of the respondent 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. The petitioner's name is not found in the FIR. He is doing coolie work. Only based on the confession of the co-accused, the petitioner's name has been falsely implicated in this case. Further, the investigation of the case is almost over. The petitioner will obey the condition that may be imposed by this Court. A.9 in this case was already enlarged on bail vide order dated 28.06.2016 made in Crl.O.P(MD) No.10467 of 2016. 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, it will hamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also



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considering the fact that the occurrence took place on 21.03.2016 and the petitioner is in judicial custody from 28.03.2016 and the co-accused was already enlarged on bail, 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 No.II, Tiruchirappalli;
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m. and 05.00 p.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].

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 petitioner is complying with the condition or not.

sd/-

12/07/2016

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPPALLI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.

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

5 THE INSPECTOR OF POLICE, K.K.NAGAR POLICE STATION, TIRUCHIRAPPALLI.

+1. CC to M/S I.MURUGESAN Advocate SR.No.36001.

ORDER

IN

CRL OP(MD) No.11413 of 2016

Date :12/07/2016