



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) No.11443 of 2016

SAMAYAN @ KUMAR

... PETITIONER/ACCUSED

Vs

STATE REB.BY

THE INSPECTOR OF POLICE

AUSTINPATTI POLICE STATION,

MADURAI DISTRICT.

IN CRIME NO. 115 / 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.RADHAKRISHNAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

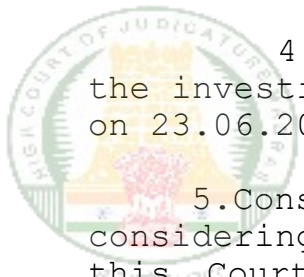
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused No.3 was arrested and remanded to judicial custody on 21.04.2016 for the alleged offences punishable under Sections 341 and 302 of IPC in Crime No.115 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that with regard to appointment of Poojari in the temple, there was a dispute arose between the deceased and A1, and hence, the accused Nos. 1 and 2 attacked the deceased with Aruval and caused injuries. Due to the injury, the father of the defacto complainant died. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is working as a conductor in a private bus and A2 is the driver of the Bus and on confession of A1 and A2, alleging that the petitioner helped A1 and A2 for escaping from the place of occurrence by his motor cycle, the has been arrayed as A3. He further contended that the petitioner is in judicial custody from 08.03.2016 and prays for enlarging the petitioner on bail.



4.The learned Government Advocate(Crl.side) submitted that the investigation is completed and the charge sheet has been filed on 23.06.2016 and the same is yet to be taken on file.

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 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, Thirumangalam.
- (ii)the petitioner shall appear before the Court concerned daily at 10.30 am 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.

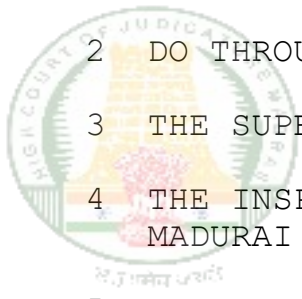
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13/07/2016

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT CENTRAL PRISION, MADURAI.

4 THE INSPECTOR OF POLICE AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.RADHAKRISHNAN Advocate SR.No.36055

ORDER

IN

CRL OP(MD) No.11443 of 2016

Date :13/07/2016

SDR/SKS-RR/SAR I/13.07.2016/3P/7C