



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11584 of 2016

PANDAMATHI @ MUTHUKRISHNAN ... PETITIONER/ACCUSED NO.2
Vs

STATE REB.BY
THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT,
CR NO. 338 OF 2014. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.BOOPATHI PANDIYAN 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 is arrayed as accused No.2, who was arrested and remanded to judicial custody on 31.05.2016 for the alleged offences punishable under Sections 302 of IPC altered into 302 r/w 109 of IPC, in Crime No.338 of 2014, on the file of the respondent police and hence, seeks bail.

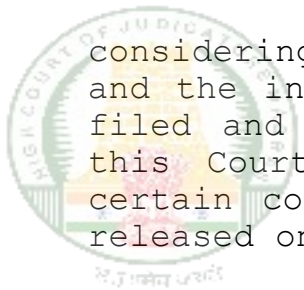
2.The case of the prosecution is that at the instigation of the petitioner, A1 quarrelled with the deceased and due to that, both attacked each other and deceased died. On complaint, case has been registered for the above said offences.

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. Originally, his name was not mentioned in the FIR and subsequently, on the confession of A1 his name has been implicated. The petitioner is in judicial custody from 31.05.2016.

4.The learned Government Advocate (Crl.side) submitted that at the instigation of the petitioner there was a fight between both the accused and the deceased. Due to that, the deceased sustained injury and subsequently, he died. Now the investigation is over and charge sheet has been filed. On the date of filing of charge-sheet the petitioner was arrested.

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

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



considering the fact that the occurrence took place on 03.08.2014 and the investigation has been completed and charge sheet has been filed and the petitioner is in judicial custody from 31.05.2016, 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 for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramnad.
- (ii) the petitioner shall report before the learned Judicial Magistrate No.II, Ramnad daily at 10.30 a.m., for a period of three weeks and thereafter appear before the committal Court in all future hearing dates regularly, without fail.
- (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/-
14/07/2016

/ TRUE COPY /

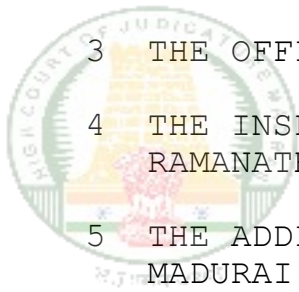
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT,

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

WEB COPY

+1. CC to M/S M.BOOPATHI PANDIYAN Advocate SR.No.36546

ORDER

IN

CRL OP (MD) No.11584 of 2016

Date :14/07/2016

SDR/NGM-MP/SAR III/14.07.2016/3P/7C