



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12184 of 2016

RAJA

... PETITIONER/ACCUSED No.10

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI CITY.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S J.KARTHIKEYAN 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, who is arrayed as accused No.10, in Crime No.729 of 2016 on the file of the respondent police, was arrested and remanded to judicial custody on 10.06.2016 for the alleged offences punishable under Sections 147,148,341 and 302 of IPC and hence, seeks bail.

2.The case of the prosecution is that due to previous enmity the deceased Manikanda Prabhu set fire on the bike of one Deepak Rajan. Due to that motive, the petitioner along with other accused persons waylaid the deceased and attacked him with knife and other deadly weapons and caused serious injuries and due to that he died. On complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that there are 12 accused and the petitioner is A.10 and there is no specific overtact attributed against him. Further, the petitioner is a student, studying in a Polytechnic and prayed for enlarging the petitioner on bail. A.6 was already enlarged on bail by this Court vide order dated 21.06.2016 made in Crl.O.P(MD)No.9773 of 2016.

4. The learned Government Advocate (Crl. Side) submitted that due to previous enmity the petitioner along with other accused restrained the deceased Manikanda Prabhu and attacked him and due to that he died and investigation has been completed and charge sheet has been filed and taken on file in P.R.C.No.37 of 2016.

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

5.Considering the fact that the petitioner is in judicial custody from 10.06.2016 and the co-accused was already enlarged on bail and the



petitioner is studying in a Polytechnic, 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.2, Madurai.
- (ii) the petitioner shall report before the said Court daily at 06.00 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/-

20/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE OFFICER INCHARGE
BORSTAL SCHOOL,PUDUKKOTTAI.

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

5 THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI CITY.

+1. CC to M/S R.GANDHI Advocate SR.No.37836.

ORDER

IN

CRL OP(MD) No.12184 of 2016

Date :20/07/2016