



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12361 of 2016

THULASI

... PETITIONER/ACCUSED NO.4
Vs

THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT.
CR. NO.425/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.CHANDRA SEKAR Advocate

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

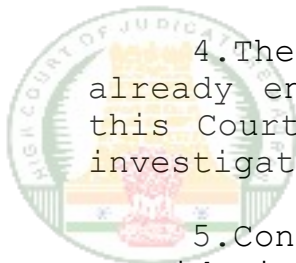
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused No.4 was arrested and remanded to judicial custody on 18.06.2016 for the alleged offences punishable under Sections 174 @ 302 of IPC in Crime No.425 of 2015 , on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 22.04.2015, the dead body floated at the Meeru Samuthiram Tank situated near " Ulavar Santhai" at Theni District. On complaint given by the Village Administrative Officer, a case has been registered against the petitioner for the above said offences and on investigation it was found that the deceased viz., Gunasekaran was murdered by his wife and some other persons. A1 has voluntarily surrendered before the respondent Police and on his confession the petitioner and other accused persons arrayed as accused persons and charges altered in to under Section 302 of IPC.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is running a travels in the name and style of "Gomathi Travels" and on the date of occurrence, A1 booked the car and the petitioner dropped him in the place of occurrence and due to that, his name has been falsely implicated in this case. He further contended that the petitioner is in judicial custody from 18.06.2016 and prays for enlarging the petitioner on bail.



4.The learned Government Advocate(Crl.side) submitted A1 to A3 already enlarged on bail and A5 was granted anticipatory bail by this Court in Crl.O.P(MD).No.8631 of 2016 dated 17.06.2016 and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused / A1 to A3 have already been enlarged on

bail as well as A5 was granted anticipatory bail by this Court, I am 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:

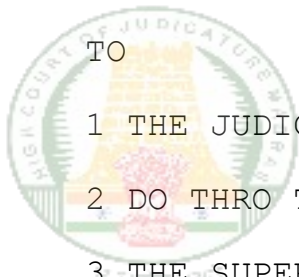
- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni.
- (ii)the petitioner shall appear before the respondent Police daily at 10.00 am and 5.30 pm until further 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/-
21/07/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE SUPERINTENDENT CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE THENI POLICE STATION, THENI DISTRICT.

5 THE ADDITIONAL PUBLICPROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.CHANDRA SEKAR Advocate SR.No.38314

ORDER

IN

CRL OP(MD) No.12361 of 2016

Date :21/07/2016

SDR/NGM-MP/SAR III/21.07.2016/3P/7C