



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12829 of 2016

MUTHUMARI

... PETITIONER / ACCUSED No.14

Vs

THE INSPECTOR OF POLICE
ABHIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR.NO.65/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.MALATHI 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.14, was arrested and remanded to judicial custody on 23.03.2016 for the alleged offences punishable under Sections 147, 148, 341 and 302 IPC @ 147, 148, 341, 324, 109, 506(ii), 120(b) and 302 IPC, in Crime No.65 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused formed an unlawful assembly, waylaid the de facto complainant, attacked him with deadly weapons and caused death. He died on the spot. On complaint, 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. He further submitted that co-accused have already been released on bail by this Court in Crl.O.P(MD).No.9532 of 2016, on 17.06.2016 and the petitioner is in judicial custody from



23.03.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that due to previous enmity with regard to erection of Flex Board, there was a clash between the groups of the petitioner and de facto complainant and the petitioner along with the other accused attacked the de facto complainant with deadly weapons and caused death and charge sheet has not been filed awaiting Chemical Analysis Report.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused have already enlarged on bail by this Court in Crl.O.P(MD).No.9532 of 2016, on 17.06.2016, 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, Kamuthi.
- (ii)the petitioner shall appear stay at Perambalur and appear the Inspector of Police, Perambalur Police Station daily at 10.00 a.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**



WEB COPY

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/-

26/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
 - 3 THE INSPECTOR OF POLICE
ABHIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4 THE SUPERINTENDENT
CENTRAL PRISON (WOMEN), MADURAI
 - 5 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 6 THE INSPECTOR OF POLICE, PERAMBALUR POLICE STATION, PERAMBALUR.
- +1. CC to M/S.K.MALATHI Advocate SR.No.39531

JAM/26.07.2016/SK-SKN/SARI/3P-8C

ORDER
IN
CRL OP(MD) No.12829 of 2016
Date :26/07/2016