



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

Tuesday, the Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12835 of 2016

SANKARASUBBU

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
PUDUKOTTAI POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.150 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MUTHUMALAIRAJA Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

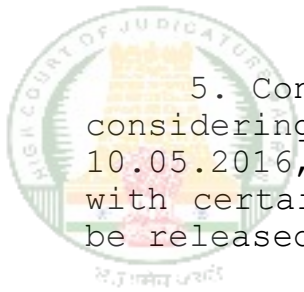
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused, who was arrested and remanded to judicial custody on 10.05.2016 for the alleged offences punishable under Section 302 I.P.C., in Crime No.150 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the deceased was found dead with multiple stab injuries and on complaint, case has been registered 'unknown accused' in Crime No.150 of 2016 against the petitioner for the aforesaid offences.

3. The case of the petitioner is that the petitioner is the neighbour of the deceased and due to the torture given by the respondent police to the family members of the accused persons, the petitioner voluntarily surrendered before the learned Judicial Magistrate No.I, Tuticorin on 10.05.2016 and he is in custody from 10.05.2016 and the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) submitted that the investigation is pending.



5. Considering the facts and circumstances of the case and also considering the fact the petitioner is in judicial custody from 10.05.2016, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tuticorin.
- (ii) the petitioner shall report before the respondent police daily at 10.30 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 [(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 conditions or not.

sd/-

02/08/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, TUTICORIN
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4.THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
 - 5.THE INSPECTOR OF POLICE, PUDUKOTTAI POLICE STATION,
TUTICORIN DISTRICT.
- +1. CC to M/S.S.MUTHUMALAIRAJA Advocate SR.No.41444
RL/7C/2P/GSV/PM/SARAE/2/8/2016

ORDER

IN

CRL OP(MD) No.12835 of 2016

Date :02/08/2016