



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.12838 of 2016

P.KARTHICK

... PETITIONER/ACCUSED No.10

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

S.S.COLONY POLICE STATION, (L & O),

MADURAI DISTRICT.

CR. NO.379/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.MUTHUSAMUNDEESWARAN 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 is arrayed as accused No.10, who was arrested and remanded to judicial custody on 13.06.2016 for the alleged offence punishable under Sections 147, 148, 302 r/w. 120(b) and 109 of I.P.C., in Crime No.379 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to previous enmity between the younger brother of the deceased Nagendran and A1 Parthasarathy, A1 along with other accused persons assaulted him with deadly weapons and committed the offence. On complaint, case has been registered against the petitioner for the aforesaid offences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and the petitioner is in judicial custody from 13.06.2016.

4. The learned counsel for the petitioner submitted that the co-accused viz., A2 and A6 were already enlarged on bail by this Court in Crl.O.P.(MD).Nos.8755 and 8759 of 2016.

5. The learned Government Advocate (Crl.side) submitted that the petitioner is in judicial custody from 13.06.2016 and the co-accused were already granted bail by this Court in Crl.O.P.(MD).Nos.8755 and 8759 of 2016.

6. Considering the allegations made against the petitioner and considering the fact that the co-accused were already granted by this Court in Crl.O.P.(MD).Nos.8755 and 8759 of 2016 and the petitioner is in judicial custody from 13.06.2016, 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.V, Madurai.

(ii) the petitioner shall report before the respondent police 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 [(2005) AIR SCW 5560]**.

7. 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/-

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.V, MADURAI.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION, (L & O),
MADURAI DISTRICT.

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

+1. CC to M/S.V.MUTHUSAMUNDEESWARAN Advocate SR.No.41185

ORDER

IN

CRL OP(MD) No.12838 of 2016

Date : 02/08/2016

PA/AAL-MPA/SAR III/03.08.2016/2P/7C