



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

Friday, the Twenty Ninth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13062 of 2016

G.SARAVANAN

... PETITIONER/ ACCUSED NO.2

Vs

STATE REP.BY THE INSPECTOR OF POLICE
TOWN POLICE STATION, DINDIGUL DISTRICT.
CR. NO.570/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.S.GOPALAMANIKANDAN 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 is arrayed as Accused No.8, who was arrested and remanded to judicial custody on 29.04.2016 for the alleged offences punishable under Sections 147, 148, 341, 302, 506(ii) and 120 IPC, in Crime No.570 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 28.04.2016, due to previous enmity, the petitioner along with other accused assembled unlawfully with deadly weapons and attacked the son of the de facto complainant and due to the injuries sustained by him, he died. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The deceased is a notorious rowdy involved in many criminal cases and one month prior to the date of occurrence, he attacked A.2, Jayaram and a case has been registered against the deceased under Section 307 I.P.C. Due to previous enmity, a false case has been foisted against the petitioner and other accused. The petitioner is in judicial custody from 29.04.2016.

4.The learned Government Advocate (Crl. side) submitted that there is a group clash between the groups of the petitioner and deceased and he would further submit that charge-sheet has been filed on 13.07.2016 and not taken on file and already co-accused was enlarged on bail by this Court in Crl.O.P(MD)No.9474 of 2016.

5.Considering the fact that already charge-sheet has been filed and co-accused was enlarged on bail and also considering the fact that the petitioner is in judicial custody from 29.04.2016, 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.II, Dindigul.

(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 condition or not.

sd/-

29/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE INSPECTOR OF POLICE, TOWN POLICE STATION, DINDIGUL DISTRICT.
- 4 THE SUPERINTENDENT OF POLICE, CENTRAL PRISON, MADURAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.S.GOPALAMANIKANDAN Advocate SR.No. 40469

JA-NGM-MP/SAR.III/29.7.2016/2P:7C

ORDER IN
CRL OP(MD) No.13062 of 2016
Date :29/07/2016