



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13142 of 2016

KANNAN @ THOONDIMUTHU

...PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT,
CR NO. 49 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.ALAGUMANI Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

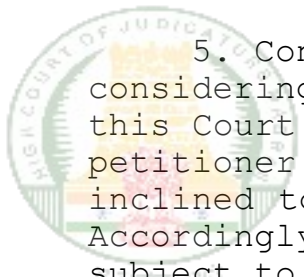
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 28.05.2016 for the alleged offence punishable under Section 174 Cr.P.C., subsequently altered to 302 and 201 of I.P.C. in Crime No.49 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 05.05.2016, the petitioner along with the other accused while standing in their village in a drunken mood, the deceased asked the accused persons to give liquor, due to that, a wordy quarrel arose and they assaulted and drowned him into the pond. 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 petitioner is in judicial custody from 28.05.2016.

4. The learned Government Advocate (Crl.side) submitted that the co-accused already granted bail by this Court in Crl.O.P.(MD). No.12375 of 2015 dated 21.07.2016.



5. Considering the facts and circumstances of the case and also considering the fact that the co-accused already granted bail by this Court in CrI.O.P.(MD).No.12375 of 2015 dated 21.07.2016 and the petitioner is in judicial custody from 28.05.2016, 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 for a like sum to the satisfaction of the learned Judicial Magistrate, Ramanathapuram.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m. and 5.30 p.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/-

28/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 - 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
 - 3 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.
 - 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 5 THE INSPECTOR OF POLICE, THIRUPALAIKUDI POLICE STATION, RAMANATHAPURAM DISTRICT,
- +1. CC to M/S R.ALAGUMANI Advocate SR.No. 40101.

ORDER

IN

CRL OP(MD) No.13142 of 2016

Date : 28/07/2016