



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13392 of 2016

1 V.MANI @ MANIKANDAN
2 S.RAJAIAH

... PETITIONERS/ ACCUSED No.4 & 5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION,
DINDIGUL,
CRIME NO.570 OF 2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S A.S.GOPALAMANIKANDAN Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

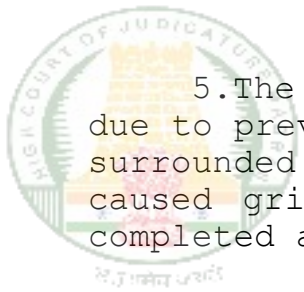
ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.4 and 5, who were 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, seek bail.

2.The case of the prosecution is that on 28.04.2016, at about 08.00 a.m., the petitioners along with other accused unlawfully assembled with deadly weapons wrongfully restrained the defacto complainant and attacked him with weapons and committed murder of the deceased. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the deceased is a notorious rowdy and many criminal cases are pending against the deceased and one month prior to the date of occurrence, the deceased attacked A-2 Jayaram. Due to this previous motive, the respondent Police foisted a false case against the petitioners.

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners are in judicial custody from 29.04.2016.



5.The learned Government Advocate (Crl. side) submitted that due to previous enmity between A.1 and deceased, the accused persons surrounded the deceased and attacked with aruval and knife and caused grievous injuries and murder him and the investigation is completed and charge-sheet has been filed.

6.Considering the fact that the investigation is completed and charge-sheet has been filed and the petitioners are in judicial custody from 29.04.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners are complying with the conditions or not.

sd/-
01/08/2016

/ 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 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

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

4 THE INSPECTOR OF POLICE, TOWN NORTH POLICE STATION, DINDIGUL.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S A.S.GOPALAMANIKANDAN Advocate, SR.No.40841

PS

JM/GSV-PM/SAR-I/01.08.2016/3P-7C

ORDER

IN

CRL OP(MD) No.13392 of 2016

Date :01/08/2016