



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.13491 of 2016

SILAMBARASAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.135 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.GOWRISANKAR Advocate

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

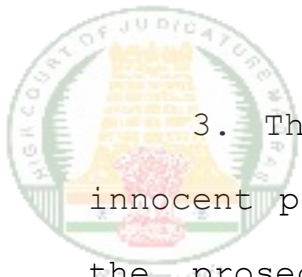
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.2, who was arrested and remanded to judicial custody on 08.06.2016 for the alleged offences punishable under Sections 302 and 201 of I.P.C., in Crime No.135 of 2016, on the file of the respondent police and hence, seeks bail.

2. The de-facto complainant, who is the Village Administrative Officer, Thadayampatti lodged a complaint stating that one dead body is found near Perumal Kovil and when he visited there, he saw a dead body and one hand alone showing outside. On complaint, case has been registered under Section 174 Cr.P.C. Subsequently, on investigation, it was found that on 04.06.2016, at about 10.00 p.m., A1 along with this petitioner attacked the deceased with iron rod and iron pipe.

Due to that, he died and charges altered into Sections 302 and 201 of I.P.C.



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 the brother of A1 and the petitioner is friend of A1 and they have been falsely implicated in this case. The petitioner is in judicial custody from 08.06.2016.

4. The learned Government Advocate (Crl. side) submitted that the deceased person is a habitual offender of committing theft of bells from the temple. Due to that, A1, who is the brother of deceased along with the petitioner attacked the deceased and caused his death and the investigation is pending.

5. Considering the nature of allegation against the petitioner and the petitioner is in custody from 08.06.2016, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti, Madurai District.
- (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



WEB COPY

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.II
USILAMPATTI, MADURAI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
 - 3 THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
 - 4 THE SUPERINTENDENT
CENTRAL JAIL, MADURAI
 - 5 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S R.GOWRISANKAR Advocate SR.No.41442

AKV
JAM/02.08.16/AAL-MPA/SAR I/3P-7C

ORDER
IN
CRL OP (MD) No.13491 of 2016
Date :02/08/2016