



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

Thursday, the Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13855 of 2016

KANI @ ARUMUGAKANI

... PETITIONER/ACCUSED  
RANK NOT KNOWN.

Vs

THE STATE REP.BY  
THE SUB INSPECTOR OF POLICE,  
MURAPPANADU POLICE STATION,  
TUTICORIN DISTRICT  
CR. NO. 23 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

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

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

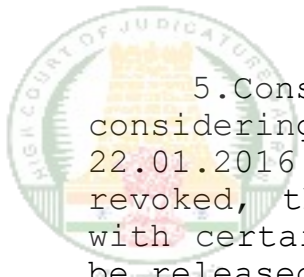
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused, who was arrested and remanded to judicial custody on 22.01.2016 for the alleged offences punishable under Sections 302 and 506(ii) IPC, in Crime No.23 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the deceased is the uncle of the petitioner. Due to the dispute with regard to the partition of their ancestral property, on 21.01.2016, the petitioner entered into the deceased's house and attacked him with knife and caused death. 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 agricultural coolie and he has not committed any offence as alleged by the prosecution. The petitioner is no way connected to the occurrence and he is falsely implicated by the respondent police. The petitioner is in judicial custody from 22.01.2016.

4.The learned Government Advocate(Crl.side) submitted that the petitioner was detained under the Tamilnadu Act 14 of 1982 and subsequently the detention order was revoked by the Detaining Authority. The petitioner is also involved in two previous cases for the offence under Section 302 IPC. After completion of investigation, charge sheet has been filed in this case. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation and prayed for dismissal of this petition.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 22.01.2016 and the detention order passed against the petitioner is revoked, 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, Srivaikundam.
- (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/-

04/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM.
  - 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
  - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
  - 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
  - 5 THE SUB INSPECTOR OF POLICE, MURAPPANADU POLICE STATION, TUTICORIN DISTRICT
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.41977.

ORDER

IN

CRL OP (MD) No.13855 of 2016

Date : 04/08/2016