



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

Friday, the Fifth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.13899 of 2016

WEB COPY

1 KARTHICKSELVAM
2 VIGNESH
3 SARAVANAN

... PETITIONERS/ACCUSED No.3,5 & 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.317 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.RAMU 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 who are arrayed as accused nos.3,5 and 6 and the first and second petitioners surrendered before the learned Judicial Magistrate, Nanguneri and remanded to judicial custody on 02.05.2016 and 06.05.2016 respectively and the third petitioner arrested and remanded to judicial custody on 22.05.2016, for the alleged offences punishable under Section 302 of IPC @ 120(b), 147,148 and 302 of IPC in Crime No.317 of 2016, on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that the deceased is the husband of A7, who was having illicit intimacy with another lady. Due to that motive, A1 and A3, who are brothers of A7, conspired with other accused and murdered the deceased. On complaint, a case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. The petitioners 1 and 2 are friends of A4. There is no specific overt act attributed as against the petitioners and the petitioners are in judicial custody from 02.05.2016, 06.05.2016 and 22.05.2016 respectively and prays for enlarging the petitioners on bail.

4.The learned Government Advocate(Crl. side) submitted that it is a pre-planned murder and the allegation against the petitioners is that they conspired with the other accused to commit the murder of the deceased and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that petitioners 2 and 3 are in judicial custody



from 06.05.2016 and 22.05.2016, this Court is inclined to enlarge the petitioners 2 and 3 on bail with certain conditions. Accordingly, the petitioners 2 and 3 are ordered to be released on bail, subject to the following conditions:

- (i) the petitioners 2 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivakasi.
- (ii) the petitioners 2 and 3 shall report before the respondent Police daily at 10.00 am and 5.30 pm until further orders.
- (iii) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 2 and 3 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]**.

The learned counsel appearing for the petitioners seek permission of this Court to withdraw this petition against the first petitioner and he has also made an endorsement to that effect. In view of the endorsement, this petition is dismissed as withdrawn against the first petitioner.

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 petitioners are complying with the condition or not.

sd/-

05/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAKASI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
- 3 VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 4 THE OFFICER INCHARGE, SUB JAIL, VIRUDHUNAGAR.
- 5 THE INSPECTOR OF POLICE,
- 6 SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
- 8 MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S M.RAMU Advocate SR.No.42186

ORDER IN

CRL OP(MD) No.13899 of 2016

Date : 05/08/2016