



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14072 of 2016

RAZAK @ ANTO RAZAK

... PETITIONER / ACCUSED
Rank not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT
CR.NO.138 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S L.GEORGE PAUL ANTO 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 13.06.2016, for the alleged offences punishable under Section 302 IPC, in Crime No.138 of 2014, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 28.04.2014, due to previous enmity, the first accused Robin along with other accused persons were fighting with the deceased near TASMAL shop and murdered the deceased. On complaint, a case has been registered.

3.The case of the petitioner is that the petitioner is an innocent person. He has not committed any offence as alleged by the prosecution. Only based on the confession given by A1, this petitioner's name has been implicated as accused. The occurrence



took place on 28.04.2014. The petitioner is in judicial custody from 13.06.2016. The learned counsel for the petitioner submitted that A1 was arrested and already enlarged on bail.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner along with other accused persons, due to previous enmity, attacked the deceased and committed murder. After completion of investigation, charge sheet has been filed. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5. Considering the facts and circumstances of the case and also considering the fact that investigation completed and charge sheet is filed and the petitioner is in judicial custody from 13.06.2016, 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.I, Nagercoil, Kanyakumari District.
- (ii) the petitioner shall report before the concerned Court daily at 10.30 a.m. until further order.
- (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



WEB COPY

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/-

08/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
NAGERCOIL, KANYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT
- 4 THE OFFICER IN-CHARGE
DISTRICT JAIL, KANYAKUMARI AT NAGERCOIL
- 5 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S L.GEORGE PAUL ANTO Advocate SR.No.42503

PJL

JAM/08.08.2016/GSV-PM/SARIII/3P-7C

ORDER

IN

CRL OP(MD) No.14072 of 2016

Date :08/08/2016