



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

Tuesday, the Ninth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.14218 of 2016

WEB COPY

KAVIGNAR

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

JEEYAPURAM POLICE STATION,

JEEYAPURAM, TRICHY DISTRICT.

(CRIME NO. 167 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.ALAGUMANI 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 who is arrayed as accused No.2 was arrested and remanded to judicial custody on 28.05.2016 for the alleged offences punishable under Section 302 of IPC in Crime No.167 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the defacto complainant, who is the wife of the deceased gave a complaint that due to dispute regarding the collection of mud in the agricultural field, the petitioner along with other accused murdered the deceased. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and due to the civil dispute, his name has been falsely implicated in this case. He further submitted that petitioner's name is not mentioned in the FIR. He is in judicial custody from 28.05.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that due to civil dispute the petitioner along with other accused murdered the deceased and the investigation is pending. He further submitted that if the petitioner is enlarged on bail he will abscond and tamper the witnesses and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 28.05.2016, 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.III, Thiruchirappallai.



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- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am 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/-

09/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
JEEYAPURAM, TRICHY DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S R.ALAGUMANI Advocate SR.No.42974

ORDER

IN

CRL OP(MD) No.14218 of 2016

Date : 09/08/2016

PA/GSV-PM/SAR AE/09.08.2016/2P/7C