



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.14229 of 2016

PREMKUMAR

... PETITIONER / ACCUSED
Rank Not Known

Vs

THE STATE OF TAMIL NADU
REPRESENTED BY THE INSPECTOR OF POLICE
NAZERETH POLICE STATION,
THOOTHUKUDI DISTRICT.
CR. NO.149/2012

... RESPONDENT / COMPLAINANT

For Petitioner : M/S V.KANNAN Advocate

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

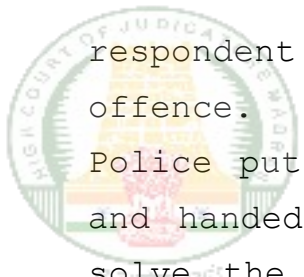
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 25.07.2016 for the alleged offences punishable under Sections 302, 380 of IPC @ 449,392,302 and 414 of IPC in Crime No.149 of 2012, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 01.08.2012, at the time of plumbing work, the petitioner along with other accused robbed a sum of Rs.1,000/- from the house of the defacto complainant and murdered the deceased, who is the husband of the defacto complainant and also robbed the jewels. 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 his name has been falsely implicated in this case. He further submitted that on interrogation with one Jeevaraj, the



respondent Police found that the petitioner has not committed any offence. Further, in order to close the complaint, the respondent Police put up story as if Jeevaraj murdered the deceased for gain and handed over the jewels to the petitioner. As they could not solve the case, foisted a false case against the petitioner and after a period of 4 years, the petitioner has been arrested by the respondent Police and he is in judicial custody from 25.07.2016. He further submitted A1 has already been granted anticipatory bail by this Court in Cl.O.P(MD).No.10512 of 2016, dated 13.07.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that the petitioner along with other accused conspired together and committed murder of 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 fact that the occurrence took place in the year 2012 and the co-accused was granted anticipatory bail by this Court and the petitioner is in judicial custody from 25.07.2016, 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, Sathankulam.
- (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**

WEB COPY [(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,
SATHANKULAM, TUTICORIN
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN
- 3 THE INSPECTOR OF POLICE
NAZERETH POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE OFFICER IN-CHARGE
DISTRICT JAIL, SRIVAIKUNDAM
- 5 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S V.KANNAN Advocate SR.No.42996

JAM/09.08.2016/NGM-MP/SAR AE/3P-7C

ORDER

IN

CRL OP(MD) No.14229 of 2016

Date :09/08/2016