



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.14247 of 2016

S.R.KUMAR

... PETITIONER/ACCUSED No.10

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
ANNA NAGAR (L&O) POLICE STATION,
MADURAI CITY.

(CRIME NO.1435 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SHEIK ABDULLAH 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.10, was arrested and remanded to judicial custody on 26.05.2016 for the alleged offences punishable under Sections 147,148,302 and 506(ii) of IPC in Crime No.1435 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused conspired together and unlawfully assembled and attacked the father of the defacto complainant with deadly weapons. When the defacto complainant tried to rescue his father, he was criminally intimidated his father and he died due to the injury caused by the accused persons. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner and the son in law of the deceased are close friends and belonged to particular political party and subsequently, due to the difference of opinion, the petitioner has been falsely implicated in this case. He further submitted the petitioner is in judicial custody from 26.05.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that due to the previous enmity the petitioner along with other accused attacked the father of the defacto complainant and prevented the defacto complainant from rescuing his father 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 facts and circumstances of the case and also considering the fact that the petitoiner is in judicial custody from 26.05.2016, 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.VI, Madurai.
- (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.VI,
MADURAI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
ANNA NAGAR (L&O) POLICE STATION, MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.SHEIK ABDULLAH Advocate SR.No.43040

ORDER IN

CRL OP(MD) No.14247 of 2016

Date :09/08/2016