



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

Wednesday, the Tenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14367 of 2016

ARUMUGAM

..PETITIONER/ACCUSED No.7

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.
CR. NO. 61 OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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 No.7, who was arrested and remanded to judicial custody on 29.05.2016 for the alleged offences punishable under Sections 302, 324 and 506(ii) IPC altered into Sections 147, 120(b), 302, 324 and 506(ii) IPC, in Crime No.61 of 2015, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that due to previous motive, the petitioner along with other accused committed murder of the deceased. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that already the petitioner was arrested and enlarged on bail. After enlarging on bail, he has co-operated for investigation and charge-sheet is filed. Due to non-appearance of the petitioner on 06.04.2016, Non-Bailable Warrant was issued and the petitioner was arrested and remanded to judicial custody on 29.05.2016.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner did not appear on 06.04.2016. Therefore, Non-Bailable Warrant was issued and the petitioner was arrested and remanded to judicial custody on 29.05.2016 and the investigation is completed and charge-sheet is filed.

5.Considering the fact that the investigation is completed and charge-sheet is filed and also considering the fact that the petitioner is in judicial custody from 29.05.2016, 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, Tiruchendur.
- (ii) the petitioner shall report before the said Court daily at 10.30 a.m., for a period of two weeks and thereafter in all future hearing regularly.
- (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/-

10/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,THOOTHUKUDI.
- 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ARUMUGANERI POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE OFFICER-IN-CHARGE, DISTRICT PRISON, SRIVAICKUNDAM, THOOTHUKUDI DISTRICT.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.43436

ORDER IN

CRL OP(MD) No.14367 of 2016

Date :10/08/2016