



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.14973,14974 and 14975 of 2016

SEENI.ANNATHURAI	... PETITIONER/ACCUSED NO.2 IN CRL OP(MD) No.14973 of 2016
SEENI.ELANGO	... PETITIONER/ACCUSED NO.1 IN CRL OP(MD) No.14974 of 2016
PRAKASH @ THANI ARASU	... PETITIONER/ACCUSED NO.4 IN CRL OP(MD) No.14975 of 2016

Vs

STATE REP.BY THE INSPECTOR OF POLICE, PATTUKOTTAI TOWN POLICE STATION, PATTUKOTTAI, THANJAVUR DISTRICT. CRIME NO.307 OF 2016	... RESPONDENT/COMPLAINANT
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For Petitioner : M/S.A.THIRUVADIKUMAR Advocate in all cases

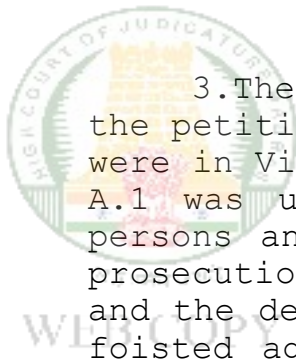
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)
IN ALL CASES.

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1, 2 and 4 and the petitioner in Crl.O.P(MD)No.14973 of 2016 was arrested and remanded to judicial custody on 06.07.2016 and the petitioners in Crl.O.P(MD) Nos.14974 and 14975 of 2016 were arrested and remanded to judicial custody on 20.07.2016, for the alleged offences punishable under Sections 147, 148, 341, 302, 120-B and 109 IPC, in Crime No.307 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on 03.07.2016, the petitioners along with the other accused persons threatened the deceased and de facto complainant. On the same day evening, due to political enmity, when the deceased and de facto complainant along with the other persons were going to their house in their two wheelers, the petitioners and other accused persons waylaid them and attacked them with deadly weapons. Due to the injury caused by them, the deceased died. On complaint, a case has been registered for the above said offences.



3.The learned senior counsel for the petitioners submitted that the petitioners were not present in the scene of occurrence and they were in Vinodhagan Memorial Hospital at Thanjavur, where the wife of A.1 was underwent an operation and the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. There is no political enmity between the petitioners and the deceased and with an ulterior motive, a false case has been foisted against the petitioners and other accused persons and the petitioner in CrI.O.P(MD)No.14973 of 2016 is in judicial custody from 06.07.2016 and the petitioners in CrI.O.P(MD)Nos.14974 and 14975 of 2016 are in judicial custody from 20.07.2016 and prays for enlarge the petitioners on bail.

4.The learned senior counsel for the petitioners has produced a copy of Accident Register of the deceased and submitted that assault was done by some unknown persons. The learned senior counsel has also produced CCTV footage to show that the petitioners were in Vinodhagan Memorial Hospital, Thanjavur on the date of occurrence.

5.The learned Government Advocate(CrI. side) submitted that prior to the occurrence, a case has been registered against the petitioners and others in Crime No.536 of 2015 and due to that motive, as a revenge, the petitioners and other accused persons attacked the deceased. The CCTV footage produced by the learned senior counsel is true. The petitioners conspired together and arranged others to murder the deceased. Investigation is in preliminary stage and the petitioners are influential persons. If the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

6.Considering the facts and circumstances of the case and also considering the contention of the learned senior counsel for the petitioners and also considering the fact that the petitioner in CrI.O.P(MD)No.14973 of 2016 is in judicial custody from 06.07.2016 and the petitioners in CrI.O.P(MD)Nos.14974 and 14975 of 2016 are in judicial custody from 20.07.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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, Pattukottai.
- (ii) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.



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(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-
22/08/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM AT THANJAVUR DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION, PATTUKOTTAI,
THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.
- +3. CC's to M/S.A.THIRUVADIKUMAR Advocate SR.Nos.46284 to 46286

smn
CSL/AAL-MPA/SAR-LIB/22.08.2016: 3P/9C

ORDER
IN
CRL OP(MD) Nos.14973,14974
and 14975 of 2016
Date :22/08/2016