



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

Tuesday, the Twenty Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15463 of 2016

M. BALAMURUGAN @ BALA

... PETITIONER / ACCUSED No.9

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.

(IN CR.NO. 1672 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R. PANDI MAHARAJA Advocate

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

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

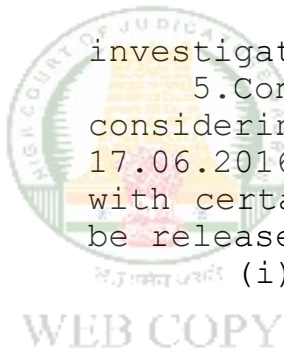
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.9, who was arrested and remanded to judicial custody on 17.06.2016 for the alleged offences punishable under Sections 147, 148 and 302 IPC r/w 3(2)(V)(A) of SC/St Act, amended, 2015, in Crime No.1672 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the deceased is the son of the defacto complainant and he was informed that the deceased was found dead on 12.06.2016 near SMP Colony Tasmac shop. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Originally, the case was registered against the unknown persons and thereafter, on the basis of confession given by Accused Nos.3, 7 and 8, nine persons were arrayed as accused and the petitioner is arrayed as A.9 and the petitioner is in judicial custody from 17.06.2016.

4.The learned Government Advocate (Crl. side) submitted that due to previous enmity between the deceased and A.1, the deceased group attacked A.1 and due to that the petitioner and other accused conspired together and attacked the deceased on 12.06.2016 with deadly weapons. Due to the injury, the deceased died and the



investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 17.06.2016, 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 District.
- (ii) the petitioner shall stay at Trichy Cantonment Police Station and report before the said Police Station daily at 10.30 a.m. 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/-
23/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE
<https://hcservices.ecourts.gov.in/hcservices/>
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.



4 THE OFFICER IN-CHARGER
TRICHY CANTONMENT POLICE STATION,
TRICHY

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R. PANDI MAHARAJA Advocate SR.No.47134

jam/26.08.16/SKS-RR/ 3P-8C

ORDER

IN

CRL OP(MD) No.15463 of 2016

Date :23/08/2016