



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15798 of 2016

1 KARTHICK
2 RAJKUMAR @ BONDA RAJKUMAR
3 MUTHUPANDI
4 GANESHAN
5 SAPPATTAI @ MARISELVAM
6 PULI @ ANANDHARAJ
7 KAILRAJ
8 PANDIAN
9 CHINNARAMU @ ILLAYAPERUMAL
10 SABARI KRISHNAN @ SABARI

... PETITIONERS/ACCUSED 1 TO 9,11

Vs

STATE THROUGH
THE SUB - INSPECTOR OF POLICE
VEMBAKOTTAI POLICE STATION,
VIRUDHUANGAR DISTRICT.
CRIME NO.111/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.MARIMUTHU Advocate

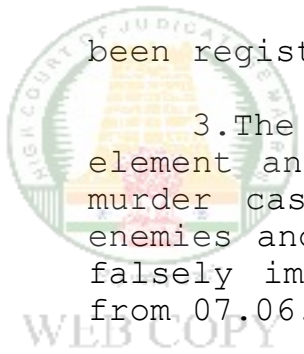
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.1 to 9 and 11, who were arrested and remanded to judicial custody on 07.06.2016 for the alleged offences punishable under Sections 147, 148, 302 and 201 IPC, in Crime No.111 of 2016, on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that due to previous motive, on 27.05.2016 one of the accused called the deceased through phone in a lady voice to come to the place of occurrence and on that place, the accused persons formed themselves into an unlawful assembly with weapons and when the deceased went there, they dashed the deceased with Tata Sumo Car and when the deceased tried to escape, they sprinkled chilly powder on his face and indiscriminately assaulted him with arival and caused his death and thereafter, dropped the deadbody in a well. On complaint, case has



been registered for the above said offences.

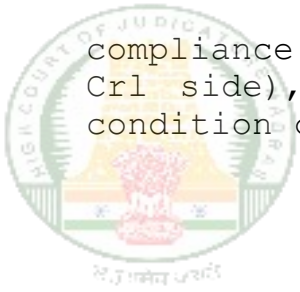
3.The case of the petitioners is that the deceased was a rowdy element and he has been convicted in a murder case and two other murder cases were pending against him and he was having lot of enemies and the petitioners are innocent persons and they have been falsely implicated in this case and they are in judicial custody from 07.06.2016.

4.The learned Government Advocate(Crl.side) submitted that 9 previous cases are pending against A2 and 2 previous cases are pending against A4, 1 previous case is pending against A5, A7 and A11 and 3 previous cases are pending against A6. He would further submit that investigation is pending. If the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

5.Considering the nature of allegations and also considering the fact that the petitioners are in judicial custody from 07.06.2016 and also considering the fact that major part of the investigation is almost over by this time, 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 No.II, Sattur.
- (ii) the petitioners shall report before the respondent police daily twice at 10.00 a.m and 5.00 p.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.
- (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]**.

6.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/-
29/08/2016

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB - INSPECTOR OF POLICE
VEMBAKOTTAI POLICE STATION, VIRUDHUANGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER IN CHARGE, DISTRICT PRISON, VIRUDHUNAGAR.

+1 CC TO M/S.G.MARIMUTHU, ADVOCATE IN SR.NO.48017

CM

CSL/SS-2/SAR-I/30.08.2016: 3P/7C

ORDER
IN
CRL OP(MD) No.15798 of 2016
Date :29/08/2016