



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16284 of 2016

BALAMANIKANDAN @ COLONY MANI ... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

PASUPATHIPALAYAM POLICE STATION,

KARUR DISTRICT

CRIME NO.401 OF 2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.G.THIRUVARUTSELVAN 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.1, who was arrested and remanded to judicial custody on 29.06.2016 for the alleged offences punishable under Sections 302 and 324 IPC, in Crime No.401 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that due to dispute between the accused and deceased, in working place, the accused persons stabbed the deceased and murdered him. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner's name has not been mentioned in the FIR. A.2 and A.3 were already arrested and enlarged on bail by the concerned Sessions Court. The petitioner is in judicial custody from 29.06.2016.

4.The learned Government Advocate (Crl. side) submitted that A.2, who is the wife of the deceased, eloped with the petitioner and therefore a dispute arose and due to the dispute, the petitioner and other accused persons murdered the deceased. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 29.06.2016, the co-accused were already enlarged on bail by the concerned Sessions Court, 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.I, Karur.
- (ii) the petitioner shall report before the respondent police daily at 10.00 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/-

01/09/2016

/ TRUE COPY /

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

SMN
TO

1 THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION, KARUR DISTRICT

2 THE JUDICIAL MAGISTRATE NO.I, KARUR

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

5 THE SUPERINTENDENT CENTRAL PRISON, TRICHY.

+1. CC to M/S.G.THIRUVARUTSELVAN Advocate SR.No.49051

GJM/SK/SKN/SARIII-1.9.16-2P-7C

ORDER

IN

CRL OP(MD) No.16284 of 2016

Date :01/09/2016