



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

Thursday, the Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.18799 of 2016

ESAKKIRAJA @ ETTU

... PETITIONER/ACCUSED NO.3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION
TIRUNELVELI DISTRICT
(CRIME No.149 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.ROBINSON Advocate
For Respondent :M/S.A.P.BALASUBRAMANI,
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.3, who was arrested and remanded to judicial custody on 10.08.2016 for the alleged offences punishable under Sections 341 and 302 IPC altered into Sections 147, 148, 149, 341, 302 and 120(b) IPC, in Crime No.149 of 2016, 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 assaulted the husband of the defacto complainant with deadly weapons and he died on the spot. On complaint, case has been registered for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 10.08.2016.

4.The learned Government Advocate (Crl. side) submitted that investigation is almost over and awaiting for chemical analysis report.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from



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10.08.2016, 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, Cheranmahadevi.
- (ii) the petitioner shall report before the said Court 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/-

06/10/2016

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

TO

- 1.THE JUDICIAL MAGISTRATE, CHERANMAHADEVI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4.THE OFFICER-IN-CHARGE, BORSTAL SCHOOL,NANGUNERI
TIRUNELVELI DISTRICT
 - 5.THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT
- +1. CC to M/S.A.ROBINSON Advocate SR.No.59431
RL/7C/2P/GSV/PM/SARII/6.10.2016

ORDER

IN

CRL OP(MD) No.18799 of 2016

Date :06/10/2016