



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

Wednesday, the Third day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1931 of 2016

MUTHUKUMAR @ SIVA

... PETITIONER / ACCUSED-A5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 238 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.PALANIVELAYUTHAM Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.11.2015 for the offences punishable under Sections 147, 148, 149, 447, 448, 342, 294(b), 506(ii) and 302 IPC in Crime No.238 of 2015 on the file of the respondent police, seeks bail.

2. It is seen that this petitioner and the co-accused allegedly attacked the deceased on 20.07.2015 on account of intra party political rivalry. This Court has granted bail to the co-accused in Crl.O.P.(MD) No.5550 of 2015 under Section 167 Cr.P.C. There is no previous case against the petitioner. Since all the accused have been released on bail, though this petitioner may not be entitled to statutory bail under Section 167 Cr.P.C., taking into consideration the nature of allegations, this Court is inclined to grant bail to this petitioner.

3. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Nagercoil, Kanyakumari District, and on further condition that:

[a] the petitioner shall reside at Madurai and report before the Tallakulam Police Station every day at 10.30 a.m. and 6.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.



[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-
03/02/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
NAGERCOIL, KANYAKUMARI DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.
 - 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.1
 - 4 THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.
 - 5 THE OFFICER INCHARGE
DISTRICT JAIL, NAGERCOIL.
 - 6 THE OFFICER INCHARGE,
TALLAKULAM POLICE STATION, MADURAI.
- +1. CC to M/S S.PALANIVELAYUTHAM Advocate SR.No.6718

ORDER
IN
CRL OP(MD) No.1931 of 2016
Date :03/02/2016

RG.SK-SKN/SAR-I 03.02.2016 2P.8C