



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

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20940 of 2016

M.PANDI,

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,

THIRUMANGALAM TOWN POLICE STATION,

THIRUMANGALAM, MADURAI DISTRICT.

CR.NO. 572 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.MUTHU VIJAYA PANDIAN Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

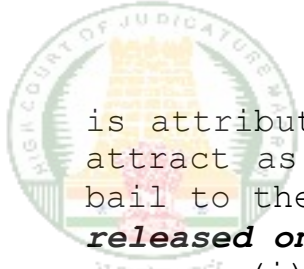
The petitioner / A2, who was arrested on 30.09.2016 for the offences punishable under Section 302 IPC in Crime No.572 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.09.2016, the first accused murdered the deceased namely, Alagarsamy and thereafter, he contacted the petitioner through cell phone and asked him to come to RTO office. Accordingly, the petitioner came and picked up the first accused in his two wheeler to the house of the petitioner. After reaching the house of the petitioner, the first accused explained the occurrence to the petitioner and asked to help him. Thereafter, the petitioner took the first accused to hospital for the injuries sustained. On 30.09.2016 the first accused gave confession statement before the Village Administrative Officer regarding the above said occurrence.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 30.09.2016 onwards.

4.Heard the learned Government Advocate(Crl. Side) on the above submission.

5.Considering the facts and circumstances of the case and taking note of the fact that based on the confession of A1, the petitioner was arrayed as A2 in this case and no specific overt-act



is attributed against the petitioner and only Section 201 IPC would attract as against the petitioner, this Court is inclined to grant bail to the petitioner. 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 Judicial Magistrate, Thirumangalam;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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/-

03/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, THIRUMANGALAM TOWN POLICE STATION, THIRUMANGALAM, MADURAI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI,

+1. CC to M/S.P.MUTHU VIJAYA PANDIAN Advocate SR.No.65253

ORDER IN

CRL OP(MD) No.20940 of 2016

Date : 03/11/2016

PBK/SK-SKN/SAR-I 03/11/2016 :: 2P-7C: