



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

Monday, the Seventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21081 of 2016

MOOKIAH PANDIAN

... PETITIONER / ACCUSED NO.9

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SANKARANKOVIL TALUK POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.76 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.MUTHUVELAN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

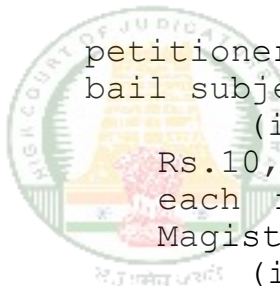
The petitioner / A9, who was arrested on 01.09.2016 for the offences punishable under Sections 147, 148, 302 and 109 IPC in Crime No.76 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due previous enmity, the petitioner along with other accused murdered the deceased and the petitioner gave money for committing such offence.

3.The learned counsel for the petitioner would submit that already A8 was enlarged on bail and there is no specific overt act attributed against the petitioner. He would further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is in judicial custody from 01.09.2016 onwards.

4.The learned Government Advocate (Crl. Side) would submit that charge sheet has been filed before the Judicial Magistrate, Sankarankovil and the same is yet to be taken on file.

5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is custody from 01.09.2016 onwards, 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, Sankarankovil;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. till the charge sheet is taken on file by the court concerned and thereafter, he shall appear before the court concerned on all hearings;

(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].

6. The Trial Court and the Committal Court are expected to take up the matter and proceed with the case on a day-to-day basis and shall not adjourn the matter beyond fifteen working days at any point of time.

sd/-

07/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

5 THE INSPECTOR OF POLICE,
SANKARANKOVIL TALUK POLICE STATION,
TIRUNELVELI DISTRICT

+1. CC to M/S.V.MUTHUVELAN Advocate SR.No.66372.

ORDER

IN

CRL OP(MD) No.21081 of 2016

Date : 07/11/2016