



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

Wednesday, the Twenty First day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) Nos.23196 and 23197 of 2016

PERUMALSAMY, ... PETITIONER /PETITIONER/ ACCUSED.2
IN CRL.OP(MD).NO.23196/2016

NARAYANASAMY @ PAPPA NAICKER ... PETITIONER/PETITIONER/ACCUSED NO.1
IN CRL.OP(MD).NO.23197/2016

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
CR.NO.537/2016 ... RESPONDENT /RESPONDENT/ COMPLAINANT
in both the petitions

For Petitioner : M/S. G. RAGUL Advocate
IN CRL.OP(MD).NO.23196/2016

For Petitioner : M/S. D.SENTHIL Advocate
IN CRL.OP(MD).NO.23197/2016

For Respondent : MR.R.RAMACHANDRAN, ADDL.PUBLIC PROSECUTOR
in both the petitions

PETITIONS FOR BAILS Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

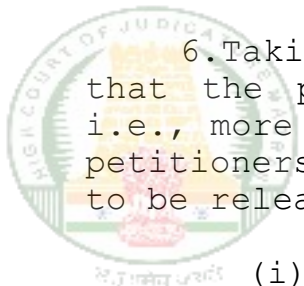
The petitioners/A2 and A1, who were arrested and remanded to judicial custody on 29.09.2016 and 27.09.2016 for the offences punishable under Sections 302 and 201 IPC in Crime No.537 of 2016 on the file of the respondent police, seek bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side)

3.The case of the prosecution is that due to civil dispute, the petitioners attacked the de facto complainant with wooden log and due to that, he died.

4.Learned counsel for the petitioners submitted that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are under incarceration from 29.09.2016.

5.Learned Government Advocate (Criminal Side) submitted that the petitioners attacked the de facto complainant with wooden log and thereby caused death and thereafter, they threw the body near Mettamalai and that the investigation is pending.



6. Taking note of the fact that the investigation is pending and that the petitioners are in jail from 29.09.2016 and 27.09.2016 i.e., more than 80 days, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners in both cases are ordered to be released on bail, subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Paramakudi and Judicial Magistrate-II, Sattur, respectively.

(ii) the petitioners shall appear before the respondent/police daily at 10.00 a.m until further orders.

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
21/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
- 3 THE JUDICIAL MAGISTRATE NO.II, SATTUR
- 4 -do-thro THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 5 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR
- 6 THE OFFICER INCHARGE
DISTRICT JAIL, MADURAI



7 THE SUB INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

8 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WEB COPY

+1. CC to M/S. G. RAGUL Advocate SR.No.82156

+1cc to Mr.D.Senthil, Advocate SR.No.82157

nbi

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ORDER

IN

CRL OP(MD) No.23196 & 23197 of 2016

Date :21/12/2016