



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

Tuesday, the Twentieth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23513 of 2016

MURALI @ MURALIDHARAN

... PETITIONER / ACCUSED No.2

Vs

STATE,
REPRESENTED BY INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
(CR.NO.310 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

For Respondent : Mr.P.KANDASAMY Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was voluntarily surrendered and remanded to judicial custody on 03.10.2016, for the offences punishable under Section 174 Cr.P.C., @ 147, 148, 341, 323 and 302 of IPC., in Crime No.310 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased Muthuraja misbehaved with the petitioner's wife and the same was questioned by the petitioner. Due to that motive, the petitioner along with others conspired and committed murder.

3. The learned counsel for the petitioner submitted that initially the case was registered under Section 174 of Cr.P.C., and thereafter it was altered into one under Sections 147, 148, 341, 323 and 302 of IPC. He would further submit that the petitioner is an innocent and he has been falsely implicated in this case.

4. The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are five accused in this case and the petitioner herein is arrayed as A2. He would also submit that A3 is still absconding and the remaining accused were arrested and they are in custody. He would further submit that the deceased Muthuraja misbehaved with the petitioner's wife and the same was questioned by the petitioner. Due to that motive, the petitioner along with others conspired and committed murder and the petitioner/A2 dashed the deceased by using his two wheeler and



attacked him with wooden log on the back side head of the deceased and thereby committed the offence and the investigation is pending.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration, I am inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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, Nilakottai, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders, 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/-
20/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NILAKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL

3 THE INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION, DINDIGUL DISTRICT.

4 THE OFFICE INCHARGER
DISTRICT PRISON, DINDIGUL

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

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.81821
JAM/20.12.16/CK/SAR 2/2P-7C

ORDER

IN

CRL OP (MD) No.23513 of 2016

Date : 20/12/2016