



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.23556 of 2016

SENTHIL KUMAR

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR
CRIME NO.487 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.A.MOHAMED YUSUF, ADVOCATE

FOR RESPONDENT : Mr.P.KANDASAMY, GOVERNMENT ADVOCATE (CRL. SIDE)

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

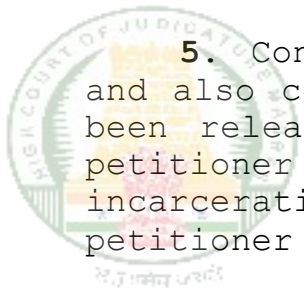
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.10.2016, for the offences punishable under Sections 147, 148, 294(b), 324, 302 and 506(ii) of IPC., and under Section 3 (1) of TNPPDL Act, in Crime No.487 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused damaged the auto rickshaw belonged to the defacto complainant's brother-in-law and also attacked the deceased with weapons and caused death to the deceased. The defacto complainant is the wife of the deceased.

3. The learned counsel for the petitioner submitted that the petitioner herein is unnamed accused in this case and he is arrayed as A6 by the prosecution and he was arrested only on the basis of the confession given by A5, who also not named in the FIR and who was also released on bail by this Court, as per the order in Crl.O.P.(MD)No.23175 of 2016, dated 14.12.2016.

4. The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are four named accused and two unnamed accused in this case and the petitioner herein is unnamed accused. He would further submit that the petitioner herein is implicated only on the basis of confession given by A5. The alleged overt act against the petitioner herein is that he has supplied weapons for the commission of the offence. The petitioner was arrested and in custody from 24.10.2016 and the investigation is still pending.



5. Considering the above facts and circumstances of the case and also considering the fact that the co-accused / A5 had already been released on bail by this Court and on whose confession the petitioner is implicated in this case and also the period of incarceration of the petitioner, 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 No.II, Thanjavur, 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 NO.II, THANJAVUR.
 2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
 3. THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 5. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- +1. CC to M/S.A.MOHAMED YUSUF Advocate SR.No. 81823

ORDER IN
CRL OP(MD) No.23556 of 2016
Date :20/12/2016