



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

Friday, the Twenty Third day of December Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.23876 of 2016

SANTHOSH @ EDWARD SHANTHOSANATHAN

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY ,
THE SUB INSPECTOR OF POLICE
TOWN POLICE STATION, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT,
CRIME NO.403/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.GANAPATHISUBRAMANIAN Advocate

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

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

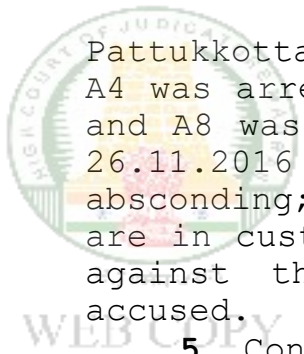
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 21.11.2016, for the offence punishable under Sections 147, 148, 294(b), 341 and 302 of IPC., in Crime No.403 of 2016, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, the petitioner and other accused murdered the son of the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is A2 in this case and the defacto complainant is not an eye-witness to the occurrence and the petitioner did not commit any offence as alleged by the prosecution and the overt act of the petitioner is that he only accompanied with other accused.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that there are two named accused in this case and after investigation, totally there are 18 accused are added and the petitioner herein is named accused. It is further stated that in the year 2014, the deceased attacked the petitioner and because of that motive, the petitioner along with other accused committed the murder of the deceased. He would further submit that A1 surrendered before the learned Judicial Magistrate, Pattukkottai and thereafter, he was detained under Goondas Act; A2 was arrested on 26.11.2016; A3 surrendered before the Judicial Magistrate Court,



Pattukkottai and he was detained under Goondas Act, on 01.12.2016; A4 was arrested on 19.11.2016; A5 to A8 were arrested on 17.11.2016 and A8 was detained under Goondas Act; A9 and A10 were arrested on 26.11.2016 and detained under Goondas Act; A11 and A12 are still absconding; A13 to A18 were arrested on 19.11.2016 and those accused are in custody. He would further submit that the alleged overt act against the petitioner is that he conspired along with other accused.

5. Considering the facts and circumstances of the case and also considering the specific overt act of the petitioner, this Court is 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, Pudukkottai, 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/-
23/12/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE, PUDUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
TOWN POLICE STATION, PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- +1. CC to M/S.P.GANAPATHISUBRAMANIAN Advocate SR.No.83052

ORDER
IN
CRL OP(MD) No.23876 of 2016
Date :23/12/2016