



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

Tuesday, the Fifteenth day of March Two Thousand and Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.3274 of 2016

1 LIVINGSTON

2 ALTRIN KISHORE @ ANIS KIRUBAKARAN

3 SIVA

..PETITIONERS/ACCUSED 2,4,6

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

THALAYUTHU POLICE STATION,

TIRUNELVELI DISTRICT.

(IN CRIME NO. 361 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S K.SIVABALAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI,

Govt. Advocate (Crl. Side)

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

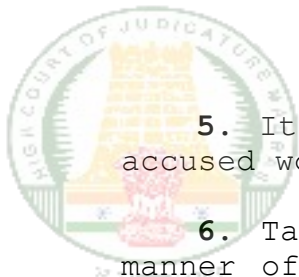
ORDER : The Court Made the following order :-

The petitioners 1 and 2, who were arrested and remanded to judicial custody on 06.12.2015 and the 3rd petitioner, who surrendered himself before the learned Judicial Magistrate No.III, Tirunelveli, on 09.12.2015, for the offences punishable under Sections 341, 307, 506(ii) I.P.C., @ 302 @ 147, 148, 341, 342, 302, 506(ii), 109 and 120(b) I.P.C., in Crime No.361 of 2015, on the file of the respondent Police, seeks bail.

2. Heard Mr.K.Sivabalan, learned counsel appearing for the petitioners / accused 2, 4 & 6 and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. When the matter is taken up for hearing, the learned Government Advocate (Criminal Side) has submitted that the respondent Police, after investigation in Crime No.361 of 2015, filed charge sheet before the learned Judicial Magistrate No.III, Tirunelveli, in P.R.C.No.2 of 2016 and the same has been committed to the Court of Sessions, Tirunelveli, in S.C.No.128 of 2016.

4. The learned counsel appearing for the petitioners / accused 2, 4 and 6 has submitted that since charge sheet has been filed, the petitioners / accused 2, 4 and 6 may be released on bail.



5. It is not a thumb rule that once charge sheet is filed, the accused would be automatically entitled to be released on bail.

6. Taking into consideration the nature of allegations and the manner of commission of the offence, this Court is not inclined to grant bail to the first petitioner / second accused. Accordingly, this criminal original petition, as against the first petitioner / second accused, is dismissed.

7. As regards the petitioners 2 and 3 / accused 4 and 6 are concerned, taking into consideration the fact that there is no previous case as against them and the co-accused / seventh accused has already been enlarged on bail by the learned Principal District and Sessions Judge, Tirunelveli, this Court is inclined to grant bail to the petitioners 2 and 3 / accused 4 and 6. Accordingly, they are ordered to be released on bail, subject to the following conditions:

- (i) each of the petitioners 2 and 3 / accused 4 and 6 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 learned Judicial Magistrate No.III, Tirunelveli.
- (ii) the petitioners 2 and 3 / accused 4 and 6 shall report before the respondent Police daily at 06.30 p.m., until further orders.
- (iii) the petitioners 2 and 3 / accused 4 and 6 shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 2 and 3 / accused 4 and 6 shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 / accused 4 and 6 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 / accused 4 and 6 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]**.

8. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners 2 and 3 / accused 4 and 6 are complying with the condition or not.

9. This criminal original petition is dismissed as against the first petitioner / second accused.

sd/-
15/03/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
THALAYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

+2. CC to M/S K.SIVABALAN Advocate SR.No.14322

akm/15.03.2016/2p-8c/GSV/PM/SAR-I

ORDER

IN

CRL OP(MD) No.3274 of 2016

Date :15/03/2016