



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

Tuesday, the Twenty Second day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4890 of 2016

GANESAN

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
(CR.NO. 70/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.KARUNANITHI Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

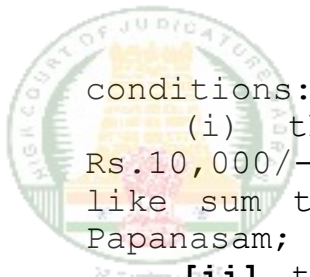
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.03.2016 for the offences punishable under Sections 147, 148, 324, 307 IPC and Section 3(1) of TNPPDL Act @ 302 IPC @ 306 IPC r/w Section 3(1) of TNPPDL Act in Crime No.70 of 2016 on the file of the respondent police, seeks bail.

2. Heard Mr.M.Karunanithi, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3.It is seen that one Somu committed self immolation and when he was admitted in the hospital, he gave a statement implicating that this petitioner and others had poured kerosene on him and set him on fire. Therefore, the police initially registered a case under Section 307 IPC and altered the same to one under Section 302 IPC. During further investigation, it came to light that the said Somu has falsely implicated these petitioners and that he himself had committed self immolation. Therefore, the respndent police have filed an alteration report altering the offence from one under Section 302 IPC to 306 IPC.

4. Taking into consideration the nature of the allegations against the petitioner, this Court is of the view that this a fit case to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following



conditions:

(i) the petitioner 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, Papanasam;

[ii] the petitioner shall report before the respondent police everyday at 6.30 p.m. until further orders.

[iii] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[iv] the petitioner 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 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]**.

[vi] the Inspector of Police is directed to send a compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the conditions or not.

sd/-

22/03/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PAPANASAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE, AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

+1. CC to M/S M.KARUNANITHI Advocate SR.No.16213

ORDER

IN

CRL OP(MD) No.4890 of 2016

Date : 22/03/2016

AA/SKS-RR/AR-I/24.03.2016/2p-7c