



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

Wednesday, the Twenty Third day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5119 of 2016

S. SUNDAR RAJ

... PETITIONER/ACCUSED NO.7

Vs

STATE REP BY THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT,
CR NO. 24 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.ANANTHAPADMANABHAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Cr1. 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 31.01.2016, for the offences punishable under Sections 147, 148, 294(b), 324, 336, 307 and 302 I.P.C., in Crime No.24 of 2016, on the file of the respondent Police, seeks bail.

2. Heard Mr.N.Ananthapadmanabhan, learned counsel appearing for the petitioner / seventh accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. On reading of the F.I.R., it is seen that there was a dispute between the *de facto* complainant's faction and the accused's faction with regard to selection of Nattamai, in which a quarrel ensued. In the said quarrel, the *de facto* complainant's brother Ramesh was attacked by the accused's faction, on account of which he succumbed to the injuries. In the complaint lodged by the *de facto* complainant, he has described the overtact of each of the accused, however there is no reference to the name of the petitioner / seventh accused in the F.I.R. The petitioner / seventh accused has been implicated in this case only on the confession statement of the co-accused.

4. In view of the above, this Court is of the view that this is a fit case to grant bail to the petitioner / seventh accused. Accordingly, he is ordered to be released on bail, subject to the following conditions:



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- (i) the petitioner / seventh accused 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, Thiruvaiyaru, Thanjavur District.
- (ii) the petitioner / seventh accused shall report before the respondent police daily at 10.30 a.m., until further orders.
- (iii) the petitioner / seventh accused shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner / seventh accused 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 / seventh accused in accordance with law as if the conditions have been imposed and the petitioner / seventh accused 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]**.

5. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.
sd/-

23/03/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S N.ANANTHAPADMANABHAN Advocate SR.No.16237

ORDER
IN
CRL OP(MD) No.5119 of 2016
Date : 23/03/2016