



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

Tuesday, the First day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CRL OP(MD) No.20584 of 2016

BALAMURUGAN

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SAWYERPURAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.113 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KULANTHAI VICKRAM Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

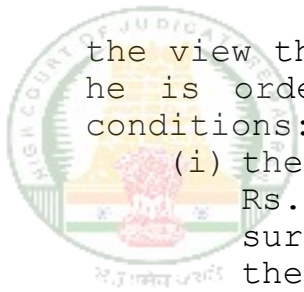
The petitioner, who was arrested and remanded to judicial custody on 28.08.2016, for the offences punishable under Sections 341, 342, 294(b) and 302 I.P.C., in Crime No.113 of 2016, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 27.08.2016, the petitioner along with two others murdered the brother of the de facto complainant, who was working as a driver with him.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has been falsely implicated in this case and he has no connection with the present case and he is in judicial custody from 28.08.2016.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that there are totally three accused in this case; on enquiry it was revealed that the deceased had illegal intimacy with the wife of the petitioner and due to which, the petitioner, along with two others, murdered the deceased; all the accused have been secured and there is no previous case as against the petitioner.

5. Taking into consideration the period of incarceration and the nature of allegations made against the petitioner, this Court is of



the view that this is a fit case to grant bail to him. Accordingly, he 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 No.I, Tuticorin.
- (ii) the petitioner shall stay at Tirutani and report before Tirutani Temple Police Station daily morning at 10.30 a.m., and evening at 05.30 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].

6. 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/-

01/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TUTICORIN.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE INSPECTOR OF POLICE, TIRUTANI TEMPLE POLICE STATION,
TIRUTANI.
- 6 THE INSPECTOR OF POLICE, SAWYERPURAM POLICE STATION,
TUTICORIN DISTRICT

+1. CC to M/S.KULANTHAI VICKRAM Advocate SR.No.64532.

ORDER

IN

CRL OP(MD) No.20584 of 2016

Date :01/11/2016

AM/SK.SKN/SAR-AE/01.11.2016/2P/8C

<https://hcservices.ecourts.gov.in/hcservices/>