

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twelfth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRIMINAL ORIGINAL PETITION No.7859 of 2017

MUTHAIAH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT
CR.NO.592 OF 2015.

For Petitioner : MR.R.SHANMUGASUNDARAM SENIOR COUNSEL FOR
M/S.V.PURUSHOTHAMAN Advocate

For Respondent : MS.M.F.SHABANA Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A-11 in Crime No.592 of 2015, on the file of the respondent-Police , arrested on 28.08.2015, for the alleged offences under Sections 147, 148, 341, 307 and 302 of I.P.C. r/w 25(1-B) and 27 of Indian Arms Act, 1959 and hence, seeks bail.

2. The case of the prosecution is that on 26.08.2015, at 08.30 p.m., the petitioner along with 20 other accused have murdered three persons.

3. Mr.R.Shanmugasundaram, learned Senior Counsel, representing Mr.V.Purushothman, learned counsel for the petitioner would submit that there are 21 accused in this case and the respondent-Police arrested all the accused, except A-1 and A-5 and after completing investigation, a final report has been filed.

4. It is further submitted that even according to the prosecution, the overtact attributed against the petitioner is that he is one of the conspirators for commission of offence and on the date of occurrence he along with other accused alleged to have parked their vehicles in front of a car, in which, the deceased were travelling to facilitate the other accused to commit the offence. It is further submitted that the prime accused A-2 to A-7, who are said to have used pistol and aruvals for commission of offence have been granted bail by this Court. The learned Senior

Counsel relying on the decision of the Supreme Court reported in **(2014) 12 SCC 23 [SANGHIAN PANDIAN RAJKUMAR v. CBI]**, seeks bail on the ground of parity.

5. Per contra Ms.M.F.Shabana, learned Government Advocate (Criminal Side) would submit that the petitioner, who is an Advocate had actively participated in the commission of offence and he was informing the other accused about the movement of the deceased, who were released from central Prison, Coimbatore. If the petitioner is granted bail, there is every possibility for tampering the witnesses. The respondent has also filed a counter affidavit praying for dismissal of the bail petition.

6. Taking into consideration, the overtact attributed against the petitioner and the fact that the other accused in this case were already granted bail, I am of the opinion, the petitioner could be released on bail. Accordingly, the petition is ordered

7. Accordingly, the petitioner is ordered to be released on bail on 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 Magistrate No.VII, Coimbatore and on further condition that the petitioner shall stay at Salem and report before the learned Judicial Magistrate No.I, Salem at 10.00 a.m. on all working days for a period of two months and thereafter shall appear before the trial Court for all hearings, without fail. If any breach of condition, the respondent is directed to move application for cancellation of bail.

-sd/-
12/05/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
NO.I, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1CC to M/S.V.PURUSHOTHAMAN Advocate on payment of necessary
charges SR NO.8945

CRL OP.7859/2017

Date :12/05/2017

MK:12/05/2017