



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

Tuesday, the Eleventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL A(MD) No.225 of 2017

1 MURUGAN
2 MANIKANDAN

... APPELLANTS/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT,
CR.NO. 378 OF 2017.

... RESPONDENT/COMPLAINANT

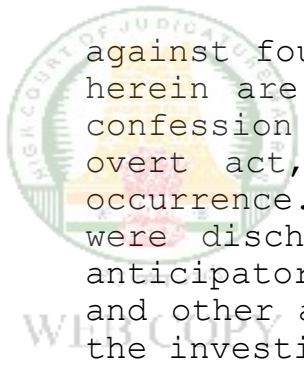
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to call for the entire records pertaining to the order passed by the learned III Additional District Session Judge (PCR), Madurai in Cr.M.P.No.1415 of 2017 dated 04.07.2017 and set aside the same and consequently enlarge the appellants on bail in connection with the case in Crime No.378 of 2017 on the file of the Inspector of Police, Othakadai Police Station, Madurai District and or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.BALAJI, Advocate for the Appellants and of MR.A.RAMAR, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The Appellants, who were arrested and remanded to judicial custody on 27.06.2017, for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 427 and 307 of IPC., and Section 3 (1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.378 of 2017, on the file of the respondent police, seek bail.

2. The learned counsel appearing for the appellants states that the appellants were called by the respondent Police for enquiry, as witnesses, but when the appellants went to the station, they were implicated and arrested in this case on 27.06.2017 and they are in custody from that date onwards.

3. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that FIR was registered



against four named accused and five unnamed accused. The appellants herein are arrayed as A5 and A6 respectively, on the basis of the confession given by A4. He also submitted that there is no specific overt act, as against the appellants herein during the alleged occurrence. Four persons were injured in the occurrence and they were discharged from the hospital. A1, A2 and A9 were granted anticipatory bail by this Court. A8, A10 to A12 are still absconding and other accused persons were arrested and they are in custody and the investigation is still pending.

4. Considering the above facts and circumstances of the case and also considering the fact that there is no specific over act against the appellants herein and the names of the appellants herein not are mentioned in the FIR itself, this Court is inclined to grant bail to the appellants subject to certain conditions.

5. Accordingly, the appellants are ordered to be released on bail on their executing a bond each 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 III Additional District and Sessions Judge (PCR) Madurai, and on further condition that:

[a] the appellants shall report before the respondent Police, daily at 10.30 a.m., until further orders.

[b] the appellants shall not tamper with evidence or witness either during investigation or trial.

[c] the appellants shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellants in accordance with law, as if the conditions have been imposed and the appellants 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].

sd/-

11/07/2017

/ TRUE COPY /

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

TO

- 1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR), MADURAI.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. C.C. to M/S.S.BALAJI Advocate SR.No.26217

ORDER IN

CRL A(MD) No.225 of 2017

Date :11/07/2017