



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

Friday, the Fourteenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9013 of 2017

1 STALIN @ MURALI STALIN
2 VIVEK

... PETITIONERS / ACCUSED NO.3 & 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION , TIRUNELVELI DT.
CRIME NO. 195/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.CHRISTOPHER Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

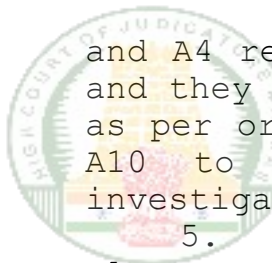
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused nos.3 & 4 were arrested and remanded to judicial custody on 02.06.2017 for the offences punishable under Sections 147,148,294(b),323,324,307,302 and 506(ii) IPC in Crime No.195 of 2017 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a Santhanamariamman temple at Nerungi Colony and the de facto complainant is the poojari of the said Temple and that there was a dispute between the de facto complainant and the other groups. The petitioners herein are said to have attacked the de facto complainant with thennamattai and caused injuries. They have also attacked the witnesses viz., Mukesh Kannan and Esakuappan with stick along with other accused. On complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners states that the petitioners are close relatives to each other and due to previous enmity, the entire family members of the petitioners were roped into this case. He would further state that the petitioners herein have not attacked the deceased as alleged by the prosecution. Due to wreak vengeance, the petitioners names have been falsely implicated in this case along with relatives.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions would submit that there are totally 12 accused in this case and the petitioners herein are arrayed as A3



and A4 respectively. A1 to A11 were arrested and A12 surrendered and they are in custody. A7 and A8 were granted bail by this Court, as per order made in CrI.O.P(MD).No.8503 of 2017, dated 11.07.2017. A10 to A12 were also granted bail by this Court and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that the injured were discharged from the hospital and that the co-accused were released on bail by this court and the alleged overt tact of the petitioners herein in the occurrence, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) Each the petitioners 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, Valliyoor.

(ii) the petitioners shall appear before the respondent police once in a week i.e on every Saturday at 10.30 a.m, until further orders.

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

14/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.CHRISTOPHER Advocate SR.No.26542

ORDER IN

CRL OP(MD) No.9013 of 2017

Date :14/07/2017