



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

Friday, the First day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11186 of 2017

CHANDRAPANDIAN @ CHANDRAN

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 324/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

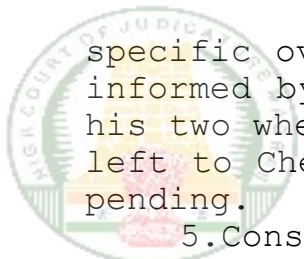
ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 17.06.2017 for the offences punishable under Sections 341, 302, 307 and 506 (ii) of IPC in Crime No.324 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while the de facto complainant was standing near a grocery shop, where the deceased along with his co-brother namely, Kannan were proceeding in a bike bearing registration No.TN-59-V-4000 near Mettupatti, Omachikulam Road, at that time, two persons dashed against the deceased bike and due to the impact, the deceased has fallen down from the bike, immediately, the two unknown person assaulted him with aruval and ran away from the place of occurrence.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner did not involve in the occurrence as alleged by the de facto complainant and the petitioner is the maternal uncle of the deceased. He also submitted that the petitioner's name has been implicated as he has arranged for panchayat to dissolve the dispute between the deceased and his first wife namely, Jeyanthi and also he has supported the said Jeyanthi.

4.The learned Additional Public Prosecutor submitted that FIR was registered as against two named and one unnamed accused and the petitioner herein is arrayed as A2 in this case. He also submitted that all the 3 accused were arrested and they are in custody and the



specific overt act attributed against the petitioner is that he was informed by A1 regarding the occurrence and he took one Vignesh in his two wheeler to some other place and thereafter, the said Vignesh left to Chennai. He also submitted that the investigation is still pending.

5. Considering the facts and circumstances of the case and considering the alleged overt act attributed against the petitioner in the occurrence and the period of incarceration of the petitioner in jail from 17.06.2017, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner 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 District Munsif Cum Judicial Magistrate Court, Vadipatti.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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/-

01/09/2017

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, VADIPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.29709

ORDER

IN

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Date : 01/09/2017