



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

Wednesday, the Thirtieth day of August Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP (MD) No.11449 of 2017

RAJIV @ RAJ

... PETITIONER / ACCUSED NO.18

Vs

STATE REP BY
THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.161/2017

... 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.

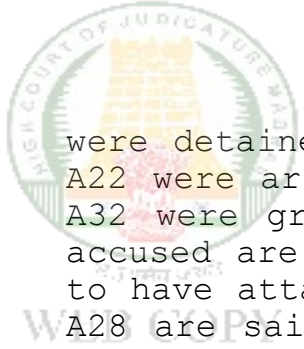
ORDER : The Court Made the following order :-

The petitioner / A18, who was arrested on 30.07.2017 for the offences punishable under Sections 147, 148, 341, 324, 307, 302, 506 (ii) IPC @ 147, 148, 341, 342, 307, 302, 506(ii), 120(b) and 109 IPC in Crime No.161 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused murdered the deceased.

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 name of the petitioner was not found in the FIR and based on the confession of A1, the petitioner was implicated as accused in this case. He further submitted that there is no specific overt act attributed against the petitioner in the FIR and he is studying B.E. second year at Syedhammal Engineering College.

<https://hcservices.recourts.gov.in/hcservices/>
4.The learned Additional Public Prosecutor submitted that initially 7 named accused were arrayed as accused and during investigation, totally 39 persons were arrayed as accused in this case. He further submitted that based on the confession of A1, the petitioner is arrayed as A18. He also submitted that A1, A2 & A4



were detained under Act 14 of 1982 and A3, A5, A13, A19, A20, A21 & A22 were arrested and enlarged on bail by this Court and A23, A24 & A32 were granted anticipatory bail by this Court and the remaining accused are still absconding. He further submitted that A3 is said to have attacked the injured namely, Lakshmanan with aruval and A5 & A28 are said to have tied the hands of the deceased and closed his mouth. He further submitted that earlier bail petition moved by the petitioner in CrI.O.P.(MD)No.10487 of 2017 was dismissed by this Court on 09.08.2017 and investigation is still pending in this case.

5.Considering the facts and circumstances of the case and considering the overt act attributed against the petitioner, which is similar to that of A3, who was enlarged on bail by this Court and also based on the confession of A1, the petitioner herein is arrayed as A18 and the period of incarceration of the petitioner in jail, 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 Judicial Magistrate No.II, Ramanthapuram;

(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/-

30/08/2017

/ TRUE COPY /

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

TO

<https://11cservices1.ecourts.gov.in/11cservices/>
THE JUDICIAL MAGISTRATE NO II
RAMANATHAPURAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT



3 THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

5 THE OFFICER INCHARGE
SUB JAIL, RAMANATHAPURAM

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.29554

ORDER
IN
CRL OP(MD) No.11449 of 2017
Date :30/08/2017

NBJ
SVA/CM/MSA/30.08.2017/SAR3/3P.7C