



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

Wednesday, the Sixth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11725 of 2017

GANAPATHY

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY+
THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.234 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.PRAVEEN KUMAR Advocate

For Respondent : MR.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

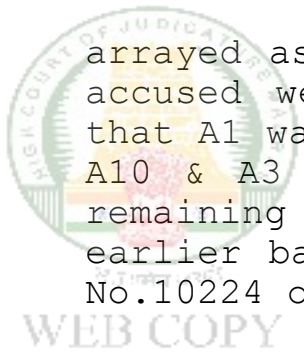
ORDER : The Court Made the following order :-

The petitioner / A2 who was arrested on 14.06.2017 for the offences punishable under Section 174 Cr.P.C. @120(b), 364, 302 and 379 of IPC in Crime No.234 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the wife of the deceased was having illegal intimacy with the first accused and due to the same, a dispute arose between A1 and the deceased and hence, the petitioner along with other accused conspired together and waylaid the car of the deceased and kidnapped him and thereafter, they murdered him.

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 petitioner is in jail from 14.06.2017 and he is no way connected with the case and he never indulged in any offence as alleged by the respondent Police.

4.The learned Additional Public Prosecutor would submit on behalf of the respondent that initially case was registered against unnamed accused and during investigating, totally there are 12 persons were arrayed as accused in this case and the petitioner is



arrayed as A2 and on the basis of confession of A2, all other accused were implicated in this case. He further submitted that A1 was granted anticipatory bail by this Court and A6, A8, A10 & A3 were arrested and they are in judicial custody and remaining accused are still absconding. He also submitted that earlier bail petition moved by this petitioner in CrI.O.P, (MD) No.10224 of 2017 was dismissed by this Court on 04.08.2017.

5.Considering the facts and circumstances of the case and considering the fact that the period of incarceration in jail from 14.06.2017, 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 Judicial Magistrate, Melur.

(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/-
06/09/2017

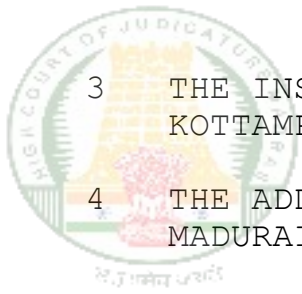
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

1 THE JUDICIAL MAGISTRATE, MELUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
MADURAI DISTRICT.



3 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION, MADURAI DT.

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

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

+1. CC to M/S.K.PRAVEEN KUMAR Advocate SR.No.77384

GJM/RR/BS/SAR-I-11.9.17-3P-7C

ORDER

IN

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Date :06/09/2017