



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

Thursday, the Seventh day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11858 of 2017

MADASAMY

... PETITIONER / ACCUSED NO.20

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.659 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.BETHANASAMY Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

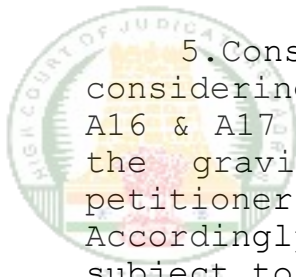
ORDER : The Court Made the following order :-

The petitioner / A20, who was arrested on 23.07.2017 for the offences punishable under Sections 147, 148, 341, 294(b) and 302 of IPC @ 120(b), 147, 148, 341, 294(b) and 302 of IPC in Crime No.659 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused waylaid the deceased and attacked with deadly weapons and caused death to the deceased and A1 is the brother of 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 A11, A16 & A17 were granted bail by the District Sessions Court, Srivilliputhur in Crl.M.P.(MD)No.2825 of 2017 dated 01.09.2017.

4.The learned Additional Public Prosecutor would submit on instructions that totally there are 4 named accused in this case and during investigation there are 16 persons were arrayed as accused in this case and the petitioner herein is arrayed as A20 on the basis of the confession of A1 in this case. He further submitted that earlier bail application moved on behalf of this petitioner in Crl.O.P.(MD)No.10917 of 2017 was dismissed by this Court on 18.08.2017 and the petitioner was arrested and he is in judicial custody from 23.07.2017. He further submitted that the specific overt act attributed against the petitioner is that he is one of the conspirator for causing the murder of the deceased and the investigation is still pending.



5.Considering the facts and circumstances of the case and considering the fact that after dismissal of the earlier order, A11, A16 & A17 were released on bail by the concerned Sessions Court and the gravity of offence said to have been committed by the petitioner, 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 Court No.II, Sivakasi

(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/-

07/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.C.BETHANASAMY Advocate SR.No.30215

ORDER

IN

CRL OP(MD) No.11858 of 2017

Date :07/09/2017