



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

Wednesday, the Twenty Second day of February Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP(MD) No.1207 AND 1925 of 2017

GERSHON SOLOMON

... PETITIONER/ ACCUSED NO.6
IN CRL OP(MD) No.1207 of 2017

NARMATHAN

...PETITIONER/4TH ACCUSED
IN CRL OP(MD) No.1925 of 2017
Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.10/2017)

... RESPONDENT/ COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.D.RAMESHKUMAR, Advocate IN CRL OP(MD) No.1207
of 2017

For Petitioner :M/S S.POORNA CHANDRAN, Advocate, IN CRL OP(MD) No.1925
of 2017

For Respondent :Mr.P.KANDASAMY, Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

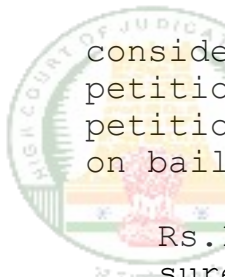
The petitioners / A6 and A4, who were arrested for the offences punishable under Sections 147, 148, 341, 324, 307 @ 302 IPC in Crime No.10 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that A1 is having illicit intimacy with the wife of the deceased and that a dispute arose between A1 and the deceased. Due to which, the petitioners along with other accused attacked the deceased with wooden log and wooden reaper on his head and murdered him.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and the petitioners were implicated as accused based on the confession of A1. He also submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) submitted that totally there are 6 accused and the petitioners are arrayed as A6 and A4 respectively. He also submitted that all the accused were arrested and they are in custody. He also submitted that earlier the case was registered under Section 307 IPC inclusively and thereafter, altered into 302 IPC as the injured namely, Saravanakumar died in the hospital. He further submitted that the petitioners way laid the deceased at the time of occurrence and they did not have any weapon or attacked the deceased and investigation is still pending.

5.Considering the facts and circumstances of the case and



considering the alleged overt act attributed against the petitioners, 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) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Pattukkottai;

(ii) the petitioners are directed to appear before the respondent police daily 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
22/02/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI.

2. DO-THROUGH CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.9618

+1cc to M/s S.POORNA CHANDRAN, Advocate, Sr No.9944

ORDER

IN

CRL OP (MD) No.1207 AND 1925
of 2017

Date : 22/02/2017