



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

Wednesday, the Twenty Seventh day of September Two Thousand
Seventeen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.12752 of 2017

MASANAM

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.115 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN Advocate

For Respondent : MR.K.S.DURAIPANDIAN Additional Public Prosecutor

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

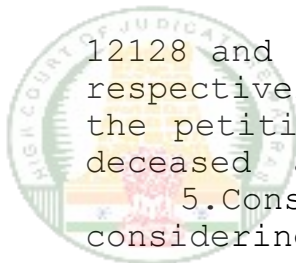
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A2 was arrested and remanded to judicial custody on 14.07.2017 for the offences punishable under Sections 147,148, 294(b),307,302 and 506(ii) of IPC @ 147,148,294 (b),307,302 and 506(ii) of IPC r/w. 120(B) of IPC in Crime No.115 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while the deceased and another Subbiah came by bike, the car driven by the petitioner's brother with other accused dashed in the backside of the de facto complainant's two wheeler and A1 to A5 are said to have attacked with deadly weapons and caused murder of the deceased Azhagu Krishnan as per the confession by A1.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the co-accused only attacked the deceased with iron rod and the identification parade was also held by the respondent police, in which, the de facto complainant, who is an injured eye witness did not identify the petitioner as accused.

4.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally 12 named accused in this case and the petitioner herein is arrayed as A2. He would further state that the co-accused were granted anticipatory bail by this Court in Crl.O.P(MD).Nos.11673, 12127 &



12128 and 12180 of 2017, dated 04.09.2017, 18.09.2017 and 15.09.2017 respectively . He further contended that the alleged overt act of the petitioner is he is said to have prevented the friends of the deceased and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the alleged overt act of the petitioner in the occurrence and that the petitioner is not identified by the de facto complainant, who is eyewitness in this case at the time of identification parade conducted by the respondent police and also the fact the petitioner is in judicial custody from 14.07.2017, 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 Judicial Magistrate No.III, Thirunelveli.

(ii) the petitioner shall appear before the respondent police daily at 10.30 am 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/-

27/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION, TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.31744

ORDER IN

CRL OP(MD) No.12752 of 2017

Date :27/09/2017