



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.13362 of 2017

VELMURUGAN,

... PETITIONER/ACCUSED NO.3

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION,
MADURAI CITY
(CRIME NO.349/2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.G.GANESH KUMAR Advocate

For Respondent : MR.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner / A3, who was arrested on 13.05.2017, for the offences punishable under Sections 120(b), 147, 148, 341, 302 and 506(ii) of IPC., in Crime No.349 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the deceased was standing before the Tea Shop, the petitioner along with other accused came there and used filthy language and attacked the deceased on head by using Aruval and the deceased died on the spot.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent / Police.

4.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 other accused in this case viz., A6 to A9 were granted bail by this Court on 27.09.2017 and this petitioner is A3.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned Additional Public Prosecutor submitted that originally the attack was made by the deceased against the



petitioner and other accused and thereafter, the petitioner along with other accused attacked the deceased and subsequently, the deceased died on the spot and since the investigation is pending, he opposes the grant of bail to the petitioner.

6. Considering the facts and circumstances of the case and considering the fact that A6 to A9 were was granted anticipatory bail by this Court on 27.09.2017 and originally the attack was made by the deceased and this petitioner and others taking vengeance against the deceased, they made attack on the deceased and also considering the fact that the petitioner has been in judicial custody from 13.05.2017, 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.IV, Madurai;

(ii) the petitioner is directed to appear before the respondent police daily twice i.e., at 10.30 a.m. and 5.30 p.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/-
28/09/2017

/ TRUE COPY /

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



ARUL

TO

1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION, MADURAI CITY

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

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

+1. CC to M/S.G.GANESH KUMAR Advocate SR.No.31883

GJM/CM/MSA/SAR-I-28.9.17-3P-7C

ORDER

IN

CRL OP(MD) No.13362 of 2017

Date :28/09/2017