



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

Thursday, the Ninth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1428 of 2017

GOVINDAN

... PETITIONER/ACCUSED NO. 2

Vs

STATE REP.BY,
INSPECTOR OF POLICE
IIAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.278/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.KANNAN Advocate

For Respondent :MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

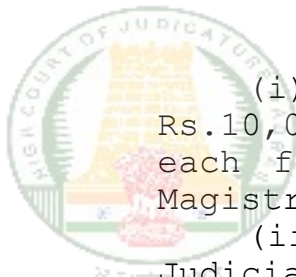
The petitioner / A2, who was arrested for the offences punishable under Section 302 IPC @ 302, 294(b), 506(ii), 120(b) r/w 34 of IPC in Crime No.278 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity in respect of illegal intimacy between the wife of the first accused and the son of the deceased, A1 attacked the deceased with aruval and caused death.

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 there is no specific overt act attributed against this petitioner and he is only the relative of the A1.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 4 accused and the petitioner is shown as A2 in this case and A1, A3 and A4 were arrested and released on bail. He further submitted that investigation is over and charge sheet has been filed in P.R.C.No.9 of 2017.

5.Considering the facts and circumstances of the case and considering the fact that charge sheet was filed and the coaccused were released on bail, 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, Ilayangudi;

(ii) the petitioner is directed to appear before the Judicial Magistrate, Ilayangudi 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/-

09/02/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
ILAYANGUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 INSPECTOR OF POLICE
IIAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.V.KANNAN Advocate SR.No.7388

ORDER

IN

CRL OP(MD) No.1428 of 2017

Date : 09/02/2017

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