



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

Monday, the Fourth day of December Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14332 of 2017

M.S.PANDI

... PETITIONER/ ACCUSED NO.9

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.
CRIME NO. 1109/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

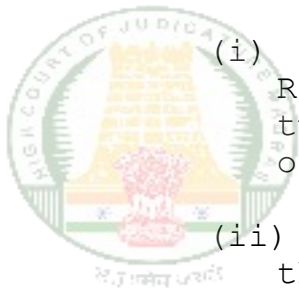
The petitioner/Accused No.9, who was arrested and remanded to judicial custody on 15.06.2017, for the alleged offences punishable under Sections 365, 147, 148, 120(b) and 302 of IPC., in Crime No.1109 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the FIR was registered on 15.06.2017 under "man missing". After investigation, the petitioner is arrayed as accused no.9. The deceased wife made a complaint against the accused persons as if the accused persons kidnapped her husband on 13.06.2017 and thereafter, they committed murder. It is alleged that the accused petitioner and other accused persons committed murder of the defacto complainant's husband, thereby, the Law Enforcing Agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as accused no.9 and there is no specific overt act against him. However all the accused persons were released on bail except accused no.3, since accused no.3 is still absconding. Accordingly, he prays for bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the fact submitted by the learned counsel for the petitioner. Since accused no.3 is still absconding, investigation is not yet completed.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), that he did not dispute the fact submitted by the learned counsel for the petitioner, I am inclined to grant bail to the petitioner/A9 with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:



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- (i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.6, Madurai;
- (ii) the petitioner shall stay at Salem and report before the Town Police Station, Salem, daily at 10.30 a.m., until further orders. If the petitioner fails to appear before the Town Police Station, daily at 10.30 a.m., liberty granted to the respondent police to issue Non-Bailable Warrant and the respondent police shall arrest the person and remand to the jail;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-

04/12/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.6, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYANKOTTAI, TIRUNELVELI.
4. THE INSPECTOR OF POLICE, ANNA NAGAR POLICE STATION, MADURAI.
5. THE INSPECTOR OF POLICE, TOWN POLICE STATION, SALEM.
6. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.T.LAJAPATHI ROY Advocate SR.Nos.35458, 35472

ORDER IN

CRL OP(MD) No.14332 of 2017

Date : 04/12/2017