



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

Thursday, the Second day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14395 of 2017

ESWARAN

... PETITIONER / ACCUSED NO.8

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO. 540/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.ANANDAKUMAR for M/S.T.VADIVELAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

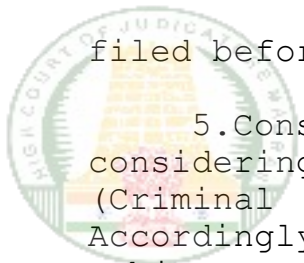
ORDER : The Court Made the following order :-

The petitioner/Accused No.8 has voluntarily surrendered before the learned Judicial Magistrate No.V, Madurai on 03.08.2017, who has committed the alleged offences punishable under Section 174 Cr.P.C @ Sections 364, 342, 302, 506(ii), 397 and 201 of I.P.C., in Crime No.540 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased borrowed money from A1 to A4 on a promise to return double the amount and cheated them. For non-payment of the said amount, the deceased was kidnapped by the accused and thereby all the accused including the petitioner/A8 attacked the deceased. As a result, the deceased sustained fatal injuries and died on the spot. Initially, the respondent police registered a case under Section 174 Cr.P.C., and thereafter the above said offences were implicated against the petitioner/A8 and other accused.

3.The learned counsel for the petitioner submitted that bail has already been granted to the co-accused. He further submitted that there is no specific overt act against the petitioner and hence, he prays for bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that there are thirteen previous cases pending against the petitioner under Section 379 of I.P.C., and there is no murder case pending against him. He further submitted that investigation has been completed and charge sheet has also been



filed before the trial Court.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), I am 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate, Arupukkottai;
- (ii) the petitioner shall report before the respondent police, daily at 10.30 a.m., and 05.30 p.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial;
- (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 petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-

02/11/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPUKKOTTAI.
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3 OFFICER IN CHARGE, DISTRICT PRISON, VIRUDHUNAGAR.
4 THE INSPECTOR OF POLICE,
ARUPUKKOTTAI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.VADIVELAN Advocate SR.No.33726

ORDER

IN

CRL OP(MD) No.14395 of 2017

Date :02/11/2017