



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

Monday, the Thirteenth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1570 AND 1571 of 2017

ANANTH @ ANANTHAKUMAR

... PETITIONER / ACCUSED NO.1

IN CRL OP(MD)NO.1570/2017

JEYAKUMAR

... PETITIONER / ACCUSED NO.2

IN CRL OP(MD)NO.1571/2017

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIMENO.813 OF 2016

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIIONS

For Petitioner : M/S.A.KANNAN Advocate IN BOTH THE PETITIONS

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

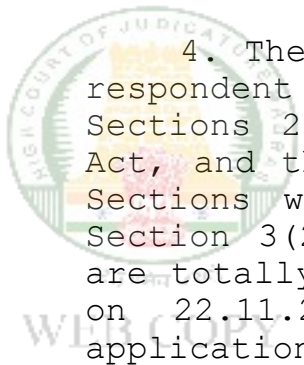
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 and A2 respectively Crl.O.P.(MD)Nos.1570 & 1571 of 2017, who were arrested and remanded to judicial custody on 22.11.2016, for the offences punishable under Sections 294(b) and 307 of IPC., and Section 3(1)(r)(s) of SC/ST Act @ 294(b) and 302 of IPC., r/w Section 3(2)(v) of SC/ST Act, in Crime No.813 of 2016, seek bail.

2. The case of the prosecution is that during construction work, the petitioners attacked the father of the defacto complainant with stone and thereby caused injury and thereafter, the injured died in the hospital.

3. The learned counsel appearing for the petitioners states that the earlier bail applications of the petitioners were dismissed by this Court, on the ground that investigation is still pending before the respondent police and now the investigation has been completed and there is a change in circumstances.



4. The learned Government Advocate (Crl.side) appearing for the respondent states that initially the case was registered under Sections 294(b) and 307 of IPC., and Section 3(1)(r)(s) of SC/ST Act, and thereafter, the injured died in the hospital and the said Sections were altered into Sections 294(b) and 302 of IPC., r/w Section 3(2)(v) of SC/ST Act. He would further submit that there are totally two accused in this case and both of them were arrested on 22.11.2016 and they are in custody. The earlier bail applications moved on behalf of the petitioners herein in Crl.O.P (MD)Nos.23686 & 23421 of 2016 were dismissed by this Court on 20.12.2016. Further, the second applications filed by the petitioners herein in Crl.O.P(MD)Nos.791 and 792 of 2016 were also dismissed by this Court, as per the order dated 25.01.2017. For the third time, the present petitions have been filed by the petitioners. He also submitted that investigation was completed in this case and final report is yet to be file.

5. Considering the above facts and circumstances of the case and also considering the fact that the earlier bail applications of the petitioners were dismissed by this court, on the ground that investigation is still pending and now the investigation has been completed and there is a change in circumstances and also considering the period of incarceration of the petitioners herein, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to following conditions:-

(a) The petitioners shall execute a separate 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 learned Judicial Magistrate No.II, Ramanathapuram.

(b) the petitioners shall report before the learned respondent Police daily at 10.30 a.m., until further orders, for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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, as if the conditions have been imposed and the petitioners released on bail by the learned 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/-
13/02/2017

/ TRUE COPY /

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



MPK
TO

1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE, KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT

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

5 THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM

+2. CC to M/S.A.KANNAN Advocate SR.No.7705, 7706

GJM/PM/PN/SAR-1-13.2.17-3P-8C

ORDER
IN
CRL OP(MD) No.1570 & 1571 of 2017
Date :13/02/2017