

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

Wednesday, the Twenty Ninth day of November Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16306 of 2017

R.PALANIKUMAR

... PETITIONER/ ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.484 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MURALI, Advocate

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

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

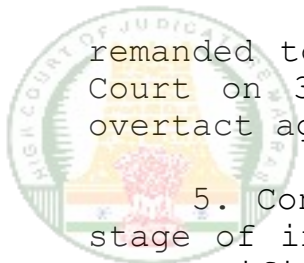
ORDER : The Court Made the following order :-

The petitioner/Accused No.7, who was arrested and remanded to judicial custody on 09.09.2017 for the alleged offences punishable under Sections 294(b), 302 and 506(ii) of I.P.C., altered into Sections 120(b), 294(b), 302 and 506(ii) of I.P.C., in Crime No.484 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.08.2017, since the defacto complainant was ill, her husband took her to hospital to take treatment, at that time, when they were near the Aavin Milk Shop, there was a power cut and the accused persons, using the situation assembled there and murdered the defacto complainant's husband. Based on the complaint, a case was registered against the accused persons for the above said offence. On investigation, it was found that due to previous enmity between the defacto complainant's family and the accused family, the accused persons murdered the defacto complainant's husband. Subsequently, the Law Enforcing Agency arrested the accused persons and remanded them to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Moreover, the petitioner has no specific overtact and he is no way connected with the crime and hence, he prays for bail. He further submitted that the petitioner has been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) appearing for the State, on instructions, would submit that there were nine accused involved in this crime and A1 to A3 were absconded and the remaining accused including the petitioner were arrested and



remanded to judicial custody. A9 was released on bail by the Trial Court on 31.10.2017. He also conceded that there was no specific overtact against the petitioner.

5. Considering the facts and circumstances of the case and the stage of investigation and also considering the fact that there was no specific overtact against the petitioner, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following certain 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 No.I, Kovilpatti;
- (ii) the petitioner shall report before the respondent police, daily between 10.00 a.m., to 11.00 a.m., until further orders;
- (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 petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-
29/11/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.MURALI Advocate SR.No.35348

ORDER IN
CRL OP(MD) No.16306 of 2017
Date : 29/11/2017