



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

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16503 of 2017

MUTHUKUMAR @ SURESH,

... PETITIONER / ACCUSED NO.9

Vs

STATE, REPRESENTED BY
THE INSPECTOR OF POLICE
KADUPATTI POLICE STATION,
MADURAI DISTRICT.
CR NO. 336/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.L.PRABHU Advocate

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

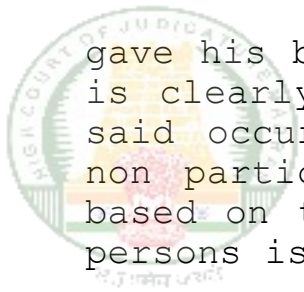
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.9, who was arrested and remanded to judicial custody on 20.10.2017 for the alleged offences punishable under Sections 120(b), 147, 148, 341, 294(b) and 302 of IPC., in Crime No.336 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant 's brother used to engage the accused persons for load-men job. Due to some dispute, the deceased did not engage the accused persons for load-men job. Therefore, the accused persons got vengeance against the deceased person. On 18.10.2017, after completing job, the deceased person was coming from Mullipallam to Kuruvithurai Main Road, along with his brother by a two wheeler, which is borrowed from the petitioner herein. When the accused persons waylaid the deceased person and brutally attacked the deceased person. Thereby, the deceased sustained fatal injuries and died on the spot. Hence, the defacto complainant gave a complaint before the respondent police.

3. The learned counsel for the petitioner would submit that <https://hdservices.ecourts.gov.in/licservicet/> categorically said that the petitioner did not commit any offence as alleged by the prosecution. In fact, he



gave his bike to the deceased for his personal use and the FIR is clearly shows that the petitioner did not involve in the said occurrence. The defacto complainant also confirmed his non participation. Implicating the petitioner as an accused based on the confession statement given by the other accused persons is not sustainable.

4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that the petitioner has been implicated as an accused based on the confession statement given by the other accused persons and he further submitted that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate, I am inclined to grant bail to the petitioner with certain conditions. 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, Vadipatti, Madurai District;

(ii) the petitioner shall report before the investigation officer, daily morning at 10.30 a.m., and evening at 5.30 p.m., until further orders ;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall make herself 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/-
19/12/2017

/ TRUE COPY /

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



RMK

TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE, KADUPATTI POLICE STATION,
MADURAI DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.L.PRABHU Advocate SR.No.36442

GJM/VR/SAR-I-19.12.2017-3P-7C

ORDER

IN

CRL OP(MD) No.16503 of 2017

Date :19/12/2017