



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

Friday, the Twenty Fourth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.1896 and 1897 of 2017

1.THANGARAJ

... PETITIONER / ACCUSED NO.2
IN CRL OP(MD) No.1896 OF 2017

2.NAGARAJAN

... PETITIONER / ACCUSED NO.9
IN CRL OP(MD) No. 1897 OF 2017

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT
(CR.NO. 84 OF 2016)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.P.BANU PRASATH Advocate, IN BOTH PETITIONS

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

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

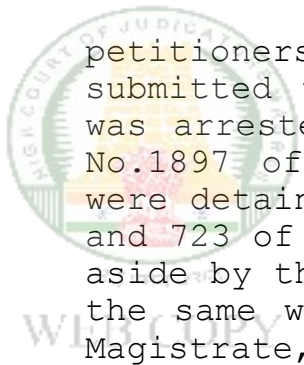
ORDER : The Court Made the following order :-

The petitioners / A4 and A9, who were arrested for the offences punishable under Sections 147, 148, 302 IPC and Section 3 of Explosive Substances Act, 1908 @ 147, 148, 149, 120(b), 109, 302 and 201 IPC and Section 3 of Explosive Substance Act, 1908 in Crime No.84 of 2016 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity all the accused persons murdered the deceased, namely, Arumugasamy and Kannan for taking revenge of the murder of one Paul Pandian.

3.The learned counsel for the petitioners would submit that based on the confession of the coaccused, the petitioners are arrayed as accused in this case and the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl. Side) submitted that initially FIR was registered against unnamed accused and during investigation, A1 to A4 and A6 to A12 were arrested and the



petitioners are arrayed as A4 and A9 respectively. He also submitted that the petitioner / A4 in CrI.O.P.(MD)No.1896 of 2017 was arrested on 14.03.2016 and the petitioner / A9 in CrI.O.P.(MD) No.1897 of 2017 was arrested on 15.03.2016 and these petitioners were detained under Goondas Act and thereafter, in H.C.P.(MD)Nos.727 and 723 of 2016 the detention order against the petitioners were set aside by this Court. He further submitted that charge sheet was and the same was taken on file in P.R.C.No.12 of 2016 by the Judicial Magistrate, Tiruchendur.

5.Considering the facts and circumstances of the case and considering the fact that coaccused were enlarged on bail and the charge sheet is pending in P.R.C.No.12 of 2016, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i)the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Tiruchendur;

(ii)the petitioners are directed to appear before the Judicial Magistrate, Tiruchendur daily at 10.30 a.m. until further orders;

(iii)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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/-
24/02/2017

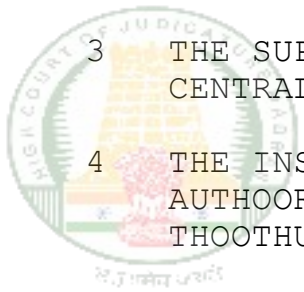
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHURUDI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT

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

+2. CC to Mr.R.Amarnath Advocate SR.No.10452, 10451

ORDER

IN

CRL OP(MD) Nos.1896 and 1897 of 2017

Date :24/02/2017

MKV-RSK-SAR 1/24.2.2017/3P-8C