



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

Tuesday, the Twenty Eighth day of February Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.2155 of 2017

1 PERUMALSAMY,
2 AYYAPPAN @ AYYAPPAN KRISHNAN

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
STATE THROUGH,
THE INSPECTOR OF POLICE, AUTHOOR POLICE
STATION, THOOTHUKUDI DISTRICT.
(CRIME NO.84 OF 2016) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent :MR.P.KANDASAKMY, Govt. Advocate (Crl. Side)

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

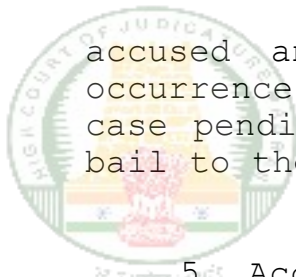
ORDER : The Court Made the following order :-

The petitioners, who were surrendered and remanded to judicial custody on 14.03.2016, for the offences punishable under Sections 147, 148 and 302 of IPC., r/w Section 3 of Explosive Substance Act, 1908 @ Sections 147, 148, 149, 120(b), 109, 302 and 201 of 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 learned counsel appearing for the petitioner would submit that detention order passed against this petitioner was quashed by this Court in H.C.P(MD)No. 726 of 2016, H.C.P(MD)No.724 of 2017, dated 02.02.2017 and the petitioners are in custody from 14.03.2016 onwards. He would further state that A.13 to A.20 were granted bail and A.21 was granted anticipatory bail by this Court.

3. The learned Government Advocate (crl.side) appearing for the respondent submitted that there are totally 21 accused in PRC.No.12 of 2016 on the file of the learned Judicial Magistrate, Thiruchendur, pending for committal. The petitioners herein are arrayed as A7 and A8 in this case. The petitioners are implicated on the basis of confession of A1 and the alleged overt act of the petitioners is that the petitioners attacked both the deceased with aruval on the shoulder and forehead.

4. Considering the above facts and circumstances of the case and also considering the fact that the present petitioners were implicated in this case only on the basis of the confession of oc-



accused and the alleged overt act of the petitioners in the occurrence and the period of incarceration in jail and also the case pending as PRC.No.12 of 2016, this Court is inclined to grant bail to the petitioners subject to certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate, Thiruchendur and on further condition that:

[a] the petitioners shall report before the learned Judicial Magistrate, Thiruchendur, daily at 10.00 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness during trial.

[c] the petitioners shall not abscond during trial.

[d] 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 petitioner 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/-

28/02/2017

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, THIRUCHENDUR.

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.

3.THE SUPERINTNENT, CENTAL PRISON, PALAYAMKOTTAI.

4.THE INSPECTOR OF POLICE,
AUTHOOR POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.11393

ORDER

IN

CRL OP (MD) No.2155 of 2017

Date : 28/02/2017

MS/RSK/SAR3/28.2.2017/2P.7C