



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

Monday, the Thirtieth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.235 of 2017

P.ARUMUGAM

... PETITIONER /4th ACCUSED

Vs

THE STATE OF TAMIL NADU REP.BY ITS
THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT,
CR NO. 454 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.GOKULNAATH Advocate

For Respondent : Mr.P.Kandasamy Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 30.10.2016 for the offences punishable under Sections 147, 148, 294(b), 342, 307 and 506(ii) IPC @ Sections 147, 148, 294 (b), 342, 302 and 506(ii) IPC in Crime No.454 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused attacked the deceased with deadly weapons.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 30.10.2016 onwards and his earlier bail application in Crl.O.P.(MD)No.23881 of 2016 was dismissed by this Court on 23.12.2016.

4.The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are 5 accused in this case and all the accused were arrested and remanded to judicial custody on 30.10.2016 and the petitioner is arrayed as A4 in this case. He further submitted that investigation is completed and final report is yet to be filed.



5.Considering the above change of circumstances and also considering the period of incarceration of the petitioner in jail, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a 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.III, Nagercoil, and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

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

[c] the petitioner 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 petitioner 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/-

30/01/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO III, NAGERCOIL

2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL

3 THE INSPECTOR OF POLICE, SUCHINDRAM POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.

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

5. THE OFFICER INCHARGE SUB JAIL NAGERCOIL KANYAKUMARI DISTRICT

+1. CC to M/S.P.GOKULNAATH Advocate SR.No.4712
GJM/MPA/SAR2/30.01.2017-2P-7C

ORDER

IN

CRL OP (MD) No.235 of 2017

Date : 30/01/2017