



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

Tuesday, the Fourth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.3566 of 2017

KUTTI AJITH @ AJITH @ AJITHKUMAR

... PETITIONER/ 4TH ACCUSED

Vs

STATE REP.BY

INSPECTOR OF POLICE

AVANIYAPURAM POLICE STATION,

MADURAI IN CRIME NO. 2104/2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.MAHARAJAN Advocate

For Respondent : M/S K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.4 in Crime No.2104 of 2016, for the offences punishable under Sections 147, 148, 341, 307, 302 and 120(b) IPC., on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.11.2016, the deceased was attacked by a gang with deadly weapon and fled away from the scene. Pursuant to the occurrence, the present petitioner and other accused have voluntarily surrendered on 10.11.2017 before the learned Judicial Magistrate No.VI, Madurai.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody for more than 130 days. This is the second bail application filed by the petitioner.

4.The learned Government Advocate(Crl. Side) submitted that already charge sheet has been filed before the concerned Court and the same was taken on file as PRC.No.18 of 2017 and the other accused A7, A8, A10 and A11 were already released on bail.



5. Considering the facts and circumstances of the case and that the petitioner has been in custody for more than 130 days, this Court is inclined to grant bail to the petitioner. 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.VI, Madurai.

(ii) the petitioner is directed to appear before the Magistrate concerned daily at 10.30 a.m. until further orders;

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

(iv) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court.

sd/-
04/04/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4. INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION, MADURAI.

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

+1. CC to M/S.V.MAHARAJAN Advocate SR.No.19131

ORDER IN
CRL OP(MD) No.3566 of 2017
Date : 04/04/2017

MS/PM.PN/SAR.3/04.04.2017/2P.7C