



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

Wednesday, the Fifth day of April Two Thousand Seventeen

PRESENT

The Hon'ble Dr. Justice G. JAYACHANDRAN

CRL OP(MD) No.3623 of 2017

1 RAJA
2 MANIKANDAN @ KUNDUMANI
3 PACKIYARAJ ... PETITIONERS/ ACCUSED NO'S. 5,8 & 11

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

IN CRIME NO.5 OF 2017.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.SASI KUMAR 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 petitioners/accused Nos.5, 8 and 11, were arrested and remanded to judicial custody on 07.01.2017 and 09.01.2017 respectively for the offences punishable under Sections 147, 148, 341, 294(b), 302 of I.P.C., and Section 3 of Tamil Nadu Public property (Prevention of Damage and Loss) Act r/w. Section 3(1)(r)(s) & 3(2)(Va) of SC/ST (POA) Act in Crime No.5 of 2017 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity for contesting in the local body election, on 04.01.2017, the petitioners along with the other accused abused the deceased with filthy language and A1 and A2 attacked on his head with aruval and other accused had attacked throughout the body of the deceased and subsequently, he died.

3. The learned counsel for the petitioners submits that these petitioners are inside the jail for more than 85 days and investigation is already over and hence, they may be released on bail. Whereas the learned Government Advocate (Crl.side) submits that these petitioners are notorious criminals having several criminal cases pending against them and they have committed the present crime, when they were enjoying the liberty of granting bail



in the earlier cases. Further, the learned Government Advocate (Crl.side) submits that these petitioners are being Members of hirelings and if they are released on bail, they will indulge in tampering the witnesses as well as there is every possibility to commit crime again.

4. Considering the rival submissions, this Court is of the opinion that since the prosecution has not completed the investigation even after 80 days and the likelihood of filing final report is also very remote, 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 learned Judicial Magistrate No.I, Sivagangai.

(ii) the first petitioner/Raja shall stay at Cuddalore and report before the Cuddalore Outpost Police Station daily at 10.00 a.m. until further orders, the second petitioner/Manikandan @ Kundumani shall stay at Karur and report before the Karur Town Police Station daily at 10.00 a.m. until further orders and the third petitioner Packiyaraj shall stay at Thiruvanamalai and report before the Thiruvanamalai Town Police Station daily at 10.00 a.m. until further orders.

(iii) The petitioners shall not abscond either during investigation or trial;

(iv) 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.

sd/-

05/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1.THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE SUPERINDENT, CENTRAL PRISON, MADURAI.

4.THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,SIVAGANGAI.

5.THE INSPECTOR OF POLICE,
CUDDALORE OUTPOST POLICE STATION, CUDDALORE.



6. THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR.

7. THE INSPECTOR OF POLICE,
THIRUVANAMALAI TOWN POLICE STATION,
THIRUVANAMALAI.

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

+1. CC to M/S.A.MOHAN, Advocate SR.No.19535

ORDER IN
CRL OP(MD) No.3623 of 2017
Date :05/04/2017

MS/PM.PN/SAR.2/05.04.2017/2P.10C