



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

Tuesday, the Fourth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.7874 of 2017

SELVAKUMAR

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.208 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.ABDUL HAKKIM Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

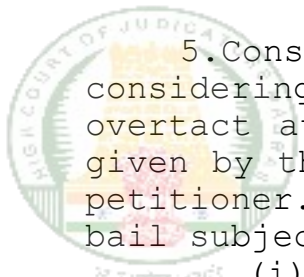
ORDER : The Court Made the following order :-

The petitioner / A5, who was arrested on 07.04.2017 for the offences punishable under Sections 147, 148, 302 r/w 120(b) IPC in Crime No.208 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to a dispute in respect of fees between A1 and the deceased, all the accused conspired together and murdered the deceased.

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 body of the deceased was found near railway gate and through the cell phone of the deceased, the gatekeeper gave information to the father-in-law of the deceased, who has lodged the complaint. He also submitted that initially FIR was registered only against A1 and A2 and 4 unnamed accused and based on the confession of A1 and A2, the petitioner was implicated in this case.

4.The learned Additional Public Prosecutor submitted that totally there are 6 accused and the petitioner is arrayed as A5 in this case. A1 to A5 were arrested and they are in custody and A6 is absconding, who is the relative of the petitioner herein. He also submitted that investigation is still pending and the earlier bail application in Crl.O.P.(MD)No. 6348 of 2017 was dismissed by this Court on 24.03.2017 and there is no change in circumstances after the dismissal.



5.Considering the facts and circumstances of the case and considering the period of incarceration and also the alleged overtact attributed against the petitioner based on the confession given by the coaccused, 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.I, Sivagangai;

(ii)the petitioner is directed to appear before the respondent police 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

04/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.ABDUL HAKKIM Advocate SR.No.25825

ORDER

IN

CRL OP(MD) No.7874 of 2017

Date :04/07/2017