



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

Thursday, the Sixth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8507 of 2017

1 KUMAR @ BALAMURUGAN
2 RAJA @ CHENNAI RAJA
3 SOLAI ESWARAN
4 VICKY @ VIGNESWARAN

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION, MADURAI DISTRICT
(CRIME NO. 134 OF 2017) ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.MUNIYANDI Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

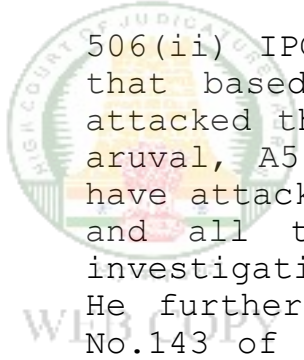
ORDER : The Court Made the following order :-

The petitioners / A5, A3, A4 and A1, who were arrested for the offences punishable under Sections 147, 148, 342, 302, 201, 506(ii) IPC and Section 3(1) of TNPPDL Act, in Crime No.134 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the deceased used to sell arack and brandy illegally and the accused persons purchased the same from the deceased without paying any amount and that a dispute arose between them. Due to which, they murdered the deceased.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the deceased was having business motive with some other persons and due to which they may murdered the deceased and there is no eye witness in this case. He further submitted that except the confession statement, there is no materials available to implead the petitioners as accused in this case.

4.The learned Additional Public Prosecutor would submit on instruction that totally there are 5 accused and the petitioners are arrayed as A1, A3, A4 and A5 respectively and all the accused are in custody. He also submitted that based on the complaint of the wife of the deceased, initially man missing case was registered and subsequently, it was altered into Sections 147, 148, 342, 302, 201,



506(ii) IPC and Section 3(1) of TNPPDL Act. He further submitted that based on the confession given by A3, A3 is said to have attacked the deceased with knife, A4 is said to have attacked with aruval, A5 is said to have attacked with knife and A2 is said to have attacked with aruval and A1 is said to have attacked with Sward and all the weapons were recovered. He also submitted that investigation is almost completed and awaiting for Forensic Report. He further submitted that totally 8 previous cases namely, Crime No.143 of 2014 under Sections 307 IPC, Crime No.149 of 2014 under Sections 341 and 323 IPC, Crime No.163 of 2014 under Sections 147, 148, 342, 323, 307 and 302 IPC, Crime No.311 of 2015 under Sections 147, 294(b), 323, 324, 354, 506(i) and 307 IPC, Crime No.136 of 2015 under Section 147, 148, 341, 324 and 307 IPC, Crime No.137 of 2015 under Sections 147, 148, 341, 324 and 307 IPC and Crime No.353 of 2015 under Sections 392 IPC are pending against 4th petitioner / A1.

5.Considering the facts and circumstances of the case and considering the period of incarceration of the petitioners 1 to 3 and the investigation is almost completed, this Court is inclined to grant bail to the petitioners 1 to 3. Accordingly, the petitioners 1 to 3 are ordered to be released on bail subject to the following conditions:

(i)the petitioners 1 to 3 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 Judicial Magistrate No.VI, Madurai;

(ii)the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

This Criminal Original petition is dismissed as against the 4th petitioner.

sd/-
06/07/2017

/ 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 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
PERUNGUDI POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.25938

ORDER

IN

CRL OP(MD) No.8507 of 2017

Date :06/07/2017

MKV-PM-PN-SAR 2/6.7.2017/3P-7C