



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

Tuesday, the Third day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.24019 of 2016

SUNDAR @ PALLU,

..PETITIONER/ACCUSED NO.10

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,

AAVANIYAPURAM POLICE STATION,

MADURAI.

(CR.NO.2104/2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.RAJAN Advocate

For Respondent : Mr.P.KANDASAMY, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A-10, who is in judicial custody from 09.11.2016 onwards for the alleged commission of offences punishable under Sections 147, 148, 341, 307 & 302 of I.P.C @ 147, 148, 341, 307 & 302 of I.P.C r/w Section 120(b) of I.P.C, in Crime No.2104 of 2016 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on the date of occurrence ie., on 07.11.2016, the accused persons attacked the deceased with knife and caused his death.

3. The learned Government Advocate(Crl. Side) on instructions submitted that there are totally twelve accused in this case and seven accused are named in the F.I.R and during investigation, the remaining accused were implicated on the basis of the confession given by A9-Manikandan, who is the owner of the auto in which the other accused has came to the spot with weapons. He further submitted that the petitioner surrendered before the Judicial Magistrate concerned and is in judicial custody from 09.11.2016 onwards. He further submitted that earlier F.I.R was registered under Sections 147, 148, 341, 307 & 302 of I.P.C and subsequently, altered into including Section 120(b) of I.P.C

4. The learned counsel for the petitioner states that the name of the petitioner herein is not found in the F.I.R and the eye-witness, who is the brother of the deceased has not stated about the presence of the petitioner during the occurrence and he has been implicated on the basis of the confession of the co-accused in this case.



5. Considering the above facts and circumstances of the case and also considering the fact that eye-witness in this case has not spoken about the presence of the petitioner during the alleged occurrence and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition. Accordingly, the petitioner is ordered to be released on bail on each 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.VI, Madurai and on further condition that the petitioner shall appear before the respondent police, daily at 10.30., a.m., until further orders.

sd/-

03/01/2017

/ 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-thro' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE INSPECTOR OF POLICE, AAVANIYAPURAM POLICE STATION, MADURAI.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.G.RAJAN Advocate SR.No.172

ORDER IN

CRL OP(MD) No.24019 of 2016

Date : 03/01/2017

PBK/MPA-EM/SAR-I 03/01/2017 :: 2P-7C: