

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION No.19117 of 2018

and CRL.MP.10202/2018

1 SUDHA @ SUDHAKAR, [PETITIONERS / ACCUSED]

2 THENNARASU @ KUMARAN,

Vs

THE STATE REP BY ITS, [RESPONDENT]

THE INSPECTOR OF POLICE,
CUDDALORE PORT POLICE STATION,
CUDDALORE DISTRICT
CR.NO.36 OF 2018.

PAINTAMIZHKUMARAN [PETITIONER/INTERVENOR/
DEFACTO COMPLAINANT]

(AS PER ORDER OF THIS COURT DATED 01/08/2018 IN CRL.MP.NO.10202/2018
IN CRL.OP/19117/2018)

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate (Crl. Side)

For INTERVENOR : M/S.E.C.MURALI, Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The learned counsel for the petitioner has submitted that the earlier petition in Crl.O.P.No.17340 & 17341 of 2018, filed by A7 A13 and A18, were dismissed on 11.07.2018. Subsequently, the other accused with similar overt acts, have been granted bail in Crl.O.P.Nos.18318 & 18351 of 2018 etc., on 23.07.2018.

2. The learned Government Advocate appearing for the respondent would submit that there is a specific overt act against the petitioner/ A7 and there is one previous case.

3. Crl.MP.No.10202 of 2018 was filed by the Paintamizhkumaran, who is the son of the deceased and he would submit that due to fishing in the territorial water, there was dispute between Sonankuppam and Devanampattinam fishermen, which resulted in the fatal attack on the father of the de-facto complainant and along with father, de-facto

complainant and other women were also attacked with dangerous weapons and some of them are till at large and yet to be arrested.

4. In reply to the learned Government Advocate's arguments, the learned counsel for the petitioner submitted that in the order passed in the Crl.O.P.Nos.18318 & 18351 of 2018 etc., on 23.07.2018, the Accused G.Vivekannandan, Surrender and Kandan with similar overt acts, have already been granted bail by this Court, considering the fact that co-accused with similar overtact were granted bail and also taking into consideration the period of custody and as substantial part of investigation is over, I am inclined to grant bail to the petitioners A7 and A13 with the following conditions:

i) Accordingly, the petitioners are ordered to be released on bail on their executing a bond for 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.II, Cuddalore and on further condition that:

a) The petitioners shall stay at Madurai and report before the Tallakulam Police Station, Madurai, daily at 10.30 a.m and 5.30 p.m., until further orders.

b) The petitioners shall not abscond either during investigation or trial.

c) The petitioners shall not tamper with evidence or witness either during investigation or trial.

d) On breach of any of the aforesaid conditions, the learned 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 learned 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**.

e) If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A of the IPC.

-sd/-

01/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CUDDALORE PORT POLICE STATION,
CUDDALORE DISTRICT

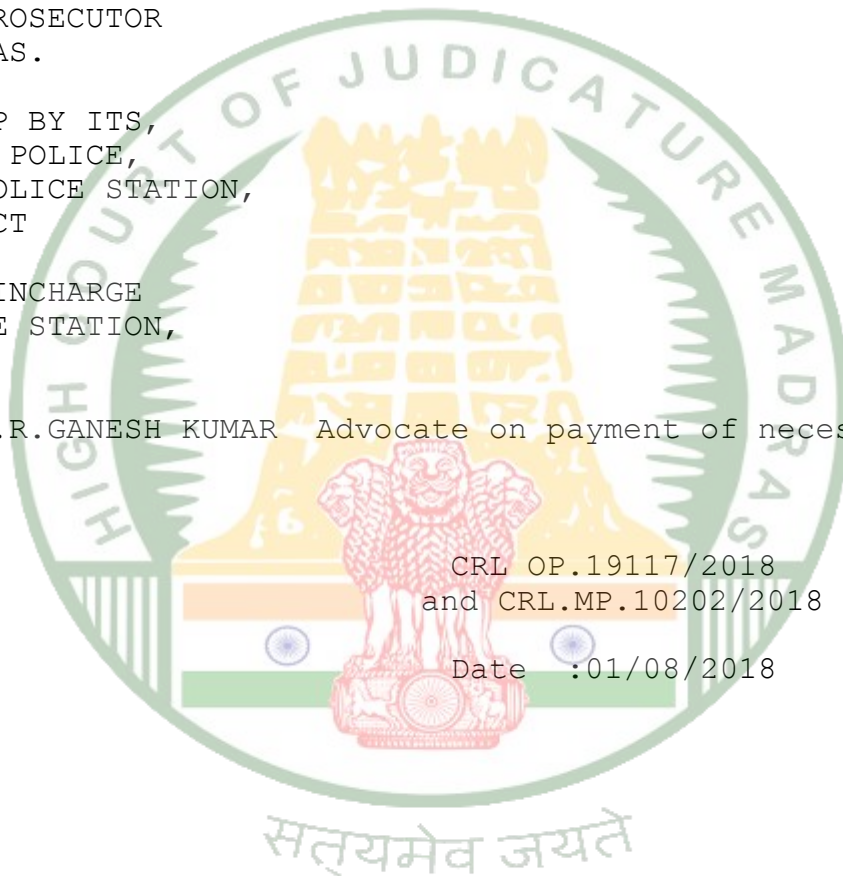
6 THE OFFICER INCHARGE
TALLAKULAM POLICE STATION,
MADURAI.

+1 CC to M/S.R.GANESH KUMAR Advocate on payment of necessary
charges-Sr.14338

CRL OP.19117/2018
and CRL.MP.10202/2018

Date :01/08/2018

ths : 02.08.2018



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