



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2000 of 2018

1 UMA KARTHICK @ KARTHICK
2 HUSSEIN

... PETITIONERS/ ACCUSED NO.9 & 11

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.669/2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.BHARATHI, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

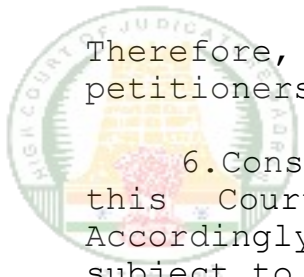
The first petitioner / A9, who was arrested on 28.11.2017 and the second petitioner / A11, who was arrested on 26.11.2017 for the offence punishable under Sections 341, 323 and 506(i) IPC altered into Sections 147, 148, 342, 323, 506(i), 363 and 302 IPC in Crime No.669 of 2017, seek bail.

2.The case of the prosecution is that due to some dispute, the petitioners along with other accused have tied the deceased in a electrical pole assaulted him and committed the offence of murder. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He would further submit that the petitioners are in a judicial custody from 28.11.2017 onwards.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused tied the deceased in a electrical pole and committed the offence of murder. As of now, investigation is completed. Further more, both petitioners are in judicial custody from 28.11.2017 and 26.11.2017 respectively.



Therefore, considering the period of incarceration of the petitioners, further custodial interrogation may not be necessary.

6. Considering the above facts and circumstances of the case, 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.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Madurai;

(ii) the petitioners are directed to appear before the respondent police daily at 10.00 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].

sd/-
08/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.BHARATHI Advocate SR.No.47194

ORDER IN
CRL OP(MD) No.2000 of 2018
Date : 08/02/2018