



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2211 of 2018

ANEESH, ... PETITIONER/ACCUSED NO.5

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.

(IN CRIME NO.335 OF 2012) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.M.ARUMUGAM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

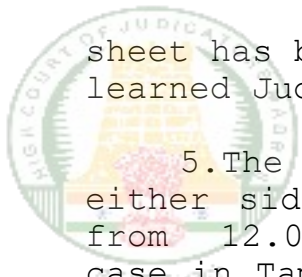
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.04.2013 for the offence punishable under Sections 147, 148, 342, 332, 333, 353, 307 I.P.C., r/w Section 149 I.P.C., in Crime No.335 of 2012, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the police party searching the accused in a case registered on the file of the Silaiman Police Station, the petitioner and other accused, who stayed in a private lodge in Dingidul allegedly committed the offence of assaulting the police personnels. In the alleged occurrence, one of the accused was shot dead by the police and other persons were apprehended. Further, one of the Inspector of Police, who was also a part of the special team sustained injuries. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 12.04.2013 onwards. Hence, he prays for bail.



sheet has been filed in this case and the same is pending before the learned Judicial Magistrate No.II, Dindigul as P.R.C.No.6 of 2017.

5.The submissions made by the learned counsel appearing on either side are considered. The petitioner is in judicial custody from 12.04.2013 onwards. Admittedly, the petitioner is having one case in Tamil Nadu and another one case in Kerala State. In a case, which was mentioned by the learned Government Advocate (Crl.Side) as pending in Kerala State was disposed by the learned IV Additional Sessions Judge, Ernakulam, in which, the accused was acquitted on 13.11.2017. So, as of now, only one case is pending against this petitioner. According to prosecution, the case in which the petitioner is in judicial custody, investigation is completed, charge sheet has been filed and the same is pending before the learned Judicial Magistrate No.II, Dindigul as P.R.C.No.6 of 2017. Considering the stage of the case, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6.Considering the above facts and circumstances, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, in which, **one surety must be the permanent resident of Dindigul**, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul.

(ii)the petitioner is directed to appear before the concerned Magistrate Court daily twice in a day i.e morning at 10.00 a.m and evening at 5.00 p.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/-

27/02/2018

/ TRUE COPY /

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



msa

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE OFFICER INCHARGE,
SUB JAIL, ERANAKULAM IN KERALA

+1. CC to M/S.C.M.ARUMUGAM Advocate SR.No.3131

GJM/CM/VR/SAR-3-27.2.18-3P-7C

ORDER

IN

CRL OP(MD) No.2211 of 2018

Date :27/02/2018