



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3135 of 2018

1 DHINESH
2 KARIKALAN
3 GOPINATH @ GOPI

... PETITIONERS / ACCUSED NO.7 TO 9

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT,
IN CR.NO. 18/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.SIVABALAN Advocate

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

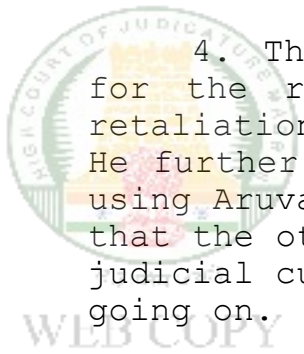
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A7 to A9, who were arrested and remanded to judicial custody on 19.01.2018 for the alleged offences punishable under Sections 147, 148, 294(b), 324 and 302 of IPC., in Crime No. 18 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that previous to the alleged occurrence, the deceased, namely, Appu @ Jeyakanthan, had involved in a murder case of A1's brother, namely Senthil. After completing trial, in the year 2010, the said case was disposed of, in which the deceased was acquitted. Due to the previous motive and at the instigation of A1, the petitioners and other accused in this case assaulted the deceased by using deadly weapons, thereby the deceased Appu @ Jeyakanthan died on the spot. Hence, the present case has been registered for the above said offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and they are in judicial custody from 19.01.2018. Hence, he prays for bail to the petitioners.



4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that it is a retaliation murder and totally 10 accused are involved in this case. He further submitted that the petitioners assaulted the deceased by using Aruval and Sword and committed this offence. Further, he added that the other accused in this case are all arrested and remanded to judicial custody. According to the prosecution, the investigation is going on.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, in order to take revenge, the petitioners being A7 to A9 joined with A1 and committed this offence. The petitioners were arrested and remanded to judicial custody on 19.01.2018. All other remaining accused in this case are all arrested and remanded to judicial custody. According to the case of prosecution, as of now, part of the investigation is completed. Moreover, on go through the age of the petitioners, they are aged about 25 years, 21 years and 20 years respectively. Further, the petitioners are the first offenders. In the above said circumstances, eventhough, the petitioners are committed the heinous offence, considering the age and other circumstances, this Court came to the conclusion that further custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioners with certain conditions. 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 No.II, Thanjavur;
- (ii) the petitioners shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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].

sd/-
06/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.SIVABALAN Advocate SR.No.3544

ORDER
IN
CRL OP(MD) No.3135 of 2018
Date :06/03/2018

MKV-PM-PN-SAR 3/6.3.2018/3P-7C