



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

WEB COPY

CRL OP(MD) Nos.3394, 3395 and 3396 of 2018

A. SATHIK ALI	... PETITIONER / ACCUSED NO.5 IN CRL OP(MD)No.3394 of 2018
M.SYED IBRAHIM @ VALANTHA SYED IBRAHIM	... PETITIONER / ACCUSED NO.7 IN CRL OP(MD)No.3395 of 2018
R.IMAM MOOSA @ IMAM	... PETITIONER / ACCUSED NO.4 IN CRL OP(MD)No.3396 of 2018

Vs

THE STATE REP.BY, THE INSPECTOR OF POLICE B-3, THEPPAKULAM POLICE STATION, MADURAI-9 IN CR.NO. 9/2018	... RESPONDENT / COMPLAINANT IN ALL THE PETITIONS
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For Petitioner : MR.V.RAMAMURTHY for M/S.M.SEENI SULTHAN Advocate IN ALL THE PETITIONS	
For Respondent : MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl. Side) IN ALL THE PETITIONS	

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

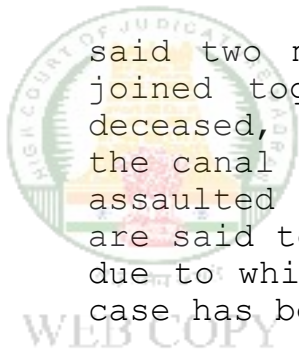
ORDER : The Court Made the following order :-

COMMON ORDER

Since, the petitioners in these three petitions are involved in the same crime registered in Crime No.9 of 2018, these three petitions are taken up together, heard and disposed of by way of common order.

The petitioners/A5, A7 and A4, who were arrested and remanded to judicial custody on 08.01.2018 for the alleged offences punishable under Sections 294(b), 506(ii), 302 IPC., r/w Section 3 of the Explosive Substances Act, 1908 @ 120(b), 147, 148, 341, 302, 294(b) and 506(ii) of IPC., r/w. Sections 3 & 4 of the Explosive Substances Act, 1908, in Crime No.9 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased is a history sheeter. He committed the murder of A1's brother in the year 2014 and in the year 2016, the deceased had also involved in the murder of A1's elder brother's son. As a retaliation to the above



said two murders committed by the deceased, A1 and other accused joined together and unlawfully assembled near the house of the deceased, at that time, A1 hurled country made bomb on the wall of the canal situated near to the deceased's residence; A2, A3, A5 & A6 assaulted the deceased with deadly weapons and A4, A7, A8 and A9 are said to have prevented the witnesses from rescuing the deceased, due to which the deceased succumbed to injuries. 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 deceased having 15 murder cases. He further added that the petitioners being the friends of A1, have been falsely implicated in this case and they are in judicial custody from 08.01.2018. 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 9 accused are involved in this case. He further submitted that A1 in this case throw the country made bomb to the wall of the canal situated near to the deceased's residence, A5 & A6 assaulted the deceased by using Aruval and committed this offence. A7, A4 and other accused are said to have prevented the witness from rescuing the deceased, due to which he succumbed to injuries. According to the prosecution, the petitioners have no previous case and the investigation is going on.

5. The submissions made by the learned counsels appearing for either side are considered. The petitioners are arrested and remanded to judicial custody on 08.01.2018. It is alleged that during the time of occurrence, the petitioners and other accused in this case, in order to take revenge, unlawfully assembled before the house of the deceased and committed the offence by using country made bomb and Aruval. The learned Government Advocate (Criminal side) appearing for the State fairly conceded that the petitioners are the first offenders. Moreover, they are having the permanent residence in Madurai. The other accused in this case are all arrested and still in judicial custody. According to the case of prosecution, as of now, part of the investigation is completed. In the above said circumstances, considering the fact that the petitioners are the first offenders and also considering the period of incarceration, 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.I, Madurai;



- (ii) the petitioners shall report before the Salem Town Police Station, 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

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE
B-3, THEPPAKULAM POLICE STATION, MADURAI-9.
 - 5 THE INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION, SALEM
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +3. CC to M/S.M.SSENI SULTHAN Advocate SR.Nos. 3499,3500 & 3501

ORDER IN
CRL OP(MD) Nos.3394, 3395
and 3396 of 2018
Date :06/03/2018