



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3805 of 2018

M.DINESH KUMAR

... PETITIONER/ 6th ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
KATTANUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CR.NO.48 OF 2017.

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.K.MURUGESAN 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/Accused No.6, who was arrested and remanded to judicial custody on 22.12.2017 for the alleged offences punishable under Sections 302, 364, 147, 148, 342, 294(b) and 120(b) of IPC., in Crime No.48 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner/A6 and other accused kidnapped the deceased and assaulted him by using Aruval and committed murder. Hence, the case has been registered against the petitioner and other accused persons for the above said crime.

3.The learned counsel representing the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. He further added that there is no specific overtact against the petitioner. Hence, he prays to enlarge the petitioner on bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that there are totally seven accused in this case. According to the prosecution,



the petitioner and other accused with common intention, kidnapped the deceased, assaulted him by using Aruval and committed murder. He further submitted that the investigation is in progress and the petitioner has no previous cases.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, due to the previous enmity, the petitioner and other accused in this case, kidnapped the deceased, assaulted him by using Aruval and thereby, they committed the offence of murder. The petitioner was arrested and remanded to judicial custody on 22.12.2017. So far, investigation has not been completed. However, the learned Government Advocate (Criminal side) fairly conceded that the petitioner has no previous cases and he is the first offender. Therefore, considering the period of incarceration, further custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with some conditions. 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and the learned 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/-

12/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
ARUPPUKKOTTAI

2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE OFFICER IN CHARGE,
SUB JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
KATTANUR POLICE STATION, VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.I.ROBERT CHANDRAKUMAR, Advocate SR.No.3877

ORDER

IN

CRL OP(MD) No.3805 of 2018

Date :12/03/2018

PJL

SH/MM-PN/SAR-2:12.03.2018:3P/7C