



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

Thursday, the Fifteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4082 of 2018

1 KARTHICK
2 GUNASEKARA PANDIAN
3 PATTAVAN RAJINI
4 MAHENDRAN

... Petitioners/Accused

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KATTANUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO. 48/17).

... Respondent/Complainant

For Petitioner : M/S.I.SALIYAKHAN, 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, who are arrayed as accused, were arrested and remanded to judicial custody on 22.12.2017 for the offences punishable under Section 302 IPC @ 147, 148, 364, 294(b), 342 and 302 r/w. 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 motive, the petitioners and other accused are said to have kidnapped the deceased and committed the murder. Thus, on complaint, a case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 22.12.2017. Hence, he plays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered.

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6. It is alleged that the petitioners and other accused in this case, in order to take revenge, kidnapped the deceased, who is happened to be a member of other one gang and assaulted by using the knife with an intention to kill. Finally, the said person died. Admittedly, the petitioners are first offender and they are in judicial custody from 22.12.2017 and the portion of the investigation has been completed. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to enlarge the petitioners on bail subject to some stringent conditions. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(I) each of the the petitioners 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, Aruppukottai.

(ii) the petitioners shall stay at Dharmapuri and report before the Inspector of Police, Town Police Station, Dharmapuri, 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;

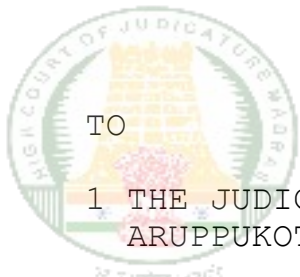
(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the 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/-
15/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

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

4 THE INSPECTOR OF POLICE,
DHARMAPURI POLICE STATION,
DHARMAPURI DISTRICT.

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

6. THE OFFICER INCHARGE,
SUB-JAIL, VIRUDHUNAGAR.

+1. CC to M/S.I.SALIYAKHAN Advocate SR.No.4150.

ORDER

IN

CRL OP (MD) No.4082 of 2018

Date :15/03/2018

SDS/MM-PN/SAR.3/15.03.2018/3P/8C