



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

Thursday, the Fifteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4111 of 2018

DEEPAK

... PETITIONER / ACCUSED NO.9

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM,
IN CR.NO. 30/2018

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.K.JEGAN 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 petitioner, who is arrayed as accused no.9, was arrested and remanded to judicial custody on 19.02.2018 for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 302 of IPC, in Crime No.30 of 2018, on the file of the respondent police, seeks bail.

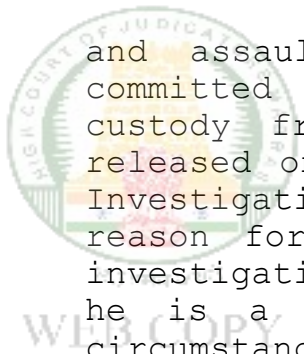
2.The case of the prosecution is that the petitioner herein and other accused unlawfully assembled with deadly weapons, stabbed the deceased with knife and murdered him. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 19.02.2018. Hence, he prays for bail.

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

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

6. It is alleged, during the time of occurrence, the petitioner and other eight accused in this case went to the scene of occurrence



and assaulted the deceased by using deadly weapons, thereby, committed the offence of murder. The petitioner is in judicial custody from 19.02.2018. The other accused in this case were released on bail. Admittedly, no application is submitted by the Investigating Officer for conducting Identification Parade and the reason for non submitting the application is best known to the investigating Officer only. It is the case of the petitioner that he is a student in the College. Considering the facts and circumstances of the case and also considering the period of incarceration this Court is inclined to enlarge the petitioner on bail subject to some stringent 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 No.II, Ramanathapuram;

(ii) the petitioner shall appear before the respondent Police twice a day daily at 10.00 am and 5.00 pm 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/-

15/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE OFFICER IN CHARGE, SUB JAIL, RAMANATHAPURAM.
 - 4 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMANATHAPURAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.JEGAN Advocate SR.No.4167

ORDER IN

CRL OP(MD) No.4111 of 2018

Date :15/03/2018