



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

Monday, the Nineteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4206 of 2018

B.MANIKANDASETHUPATHI

... PETITIONER/ACCUSED No.5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KATTANUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.48 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.S.DURAIPANDIAN, Advocate

For Respondent : M/S.A.SUYAMBULINGA BHARATHI,
Government 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.5, was arrested and remanded to judicial custody on 26.12.2017 for the offences punishable under Sections 147, 148, 364, 294(b), 342, 302 r/w. 120(b) 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 petitioner and other accused are said to have kidnapped the deceased viz., Chellapandian 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 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 26.12.2017.

<https://hcservices.ecourts.gov.in/hcservices/> 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 accused in this case formed a gang and assaulted the deceased viz., Chellapandian, who is the member in another one gang, by using knife, with an intention to kill him. Finally, the said Chellapandian died and thereafter, a case has been registered against the petitioner and other accused. The petitioner is in judicial custody from 26.12.2017. Moreover, the petitioner herein is a first offender and the co-accused in this case have already been released on bail by this Court. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that further detention is not necessary for completing the investigation. Hence, this Court 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, Aruppukkottai, Virudhunagar District.

(ii) the petitioner shall appear before the respondent Police daily at 10.00 am 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/-
19/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

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

4 THE OFFICER-IN-CHARGE,
SUB JAIL, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.K.S.DURAIPANDIAN Advocate SR.No.4306

ORDER

IN

CRL OP(MD) No.4206 of 2018

Date :19/03/2018

PK/PN/SAR-4/19.03.2018 : 3P/7C