



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

Friday, the Sixteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4220 of 2018

MURUGAN

... Petitioner/Accused No.39

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT,
(CR.NO.62 OF 2007).

... Respondent/Complainant

For Petitioner : M/S.A.SARAVANAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

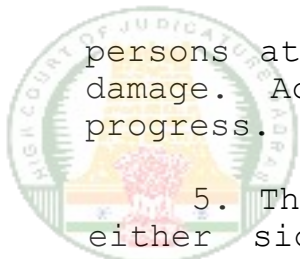
ORDER : The Court Made the following order :-

The petitioner/Accused No.39, who was arrested and remanded to judicial custody on 16.02.2018 for the alleged offences punishable under Sections 147, 148, 341, 323 and 307 of IPC., in Crime No.62 of 2007, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.05.2007 at about 4.15 p.m. the petitioner along with other accused totally 1000 members unlawfully assembled before the Union Office and wrongfully restrained the defacto complainant, Kottaisamy, who is the Union Chairman of Nilakottai, and assaulted him with deadly weapons with an intention to commit murder. Hence, the case has been registered against the accused for the above said occurrence.

3.The learned counsel representing the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that nearly 1000



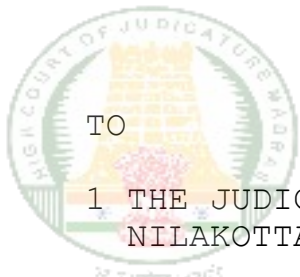
persons attacked the office of the defacto complainant and caused damage. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. The petitioner/A39 is remanded to judicial custody on 16.02.2018. Previous to the arrest, the respondent police laid a charge sheet before the learned Judicial Magistrate, Nilakottai, for the offences punishable under Sections 147, 148, 341, 323 and 307 of IPC., and the same was taken on file as P.R.C.No.20 of 2018. In the course of trial proceedings, the petitioner has not been appeared before the Court concerned on 14.02.2018. Thereby, non-bailable warrant was issued against the petitioner and subsequently, the petitioner was arrested and remanded to judicial custody on 16.02.2018. Now, according to the prosecution, the other accused in this case are regularly appeared before the Court concerned. Thereby, considering the period of incarceration, 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, Nilakottai;
- (ii) the petitioner shall report before the Court concerned daily at 10.00 a.m., for a period of two weeks;
- (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/-
16/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE ,
NILAKOTTAI.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE SUPERINDENT,
DISTRICT PRISON,
DINDIGUL.

4 THE SUB INSPECTOR OF POLICE,
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.S.MUTHUKUMAR, Advocate SR.No.4212.

ORDER

IN

CRL OP (MD) No.4220 of 2018

Date :16/03/2018

SDS/MM-PN/SAR.4/16.03.2018/2P/7C