



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4331 of 2018

1 KASI @ BALAMURUGAN
2 SAKTHI @ SATHIYARAJ
3 VEERAMANI @ VEERAMANIKANDAN ... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO. 36 OF 2018) ... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.R.ALAGUMANI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

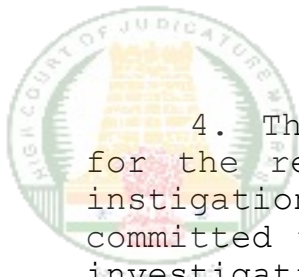
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 06.02.2018, for the alleged offence punishable under Section 302 of IPC., in Crime No.36 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was already a property dispute is existing between the first petitioner/A1 and the deceased. Due to that enmity, on 05.02.2018, the petitioners conspired together and assaulted the defacto complainant by using Aruval and murdered him. Hence, the present case has been registered for the above said offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and they are in judicial custody from 06.02.2018.



4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that due to the instigation of A1, the other petitioners conspired with A1 and committed the above said offence. According to the prosecution, the investigation is going on.

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5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the first petitioner/A1 engaged A2 & A3 for murdering the deceased. The reason for the said offence is the land dispute. As of now, the petitioner is in judicial custody from 06.02.2018 to till date. Admittedly, the petitioner is the first offender. Now, considering the above said facts and circumstances, this Court came to the conclusion that further detention is not necessary for completing the investigation. Thereby, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur;

(ii) the petitioners shall report before the respondent police, daily at 10.00 a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not commit any offence while on bail;

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

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned 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/-
20/03/2018

/ TRUE COPY /



pjl
TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT

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

5 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.4447

GJM/PN/SAR-3-20.3.18-3P-7C

ORDER

IN

CRL OP (MD) No.4331 of 2018

Date :20/03/2018