



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

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4566 of 2018

DHINESH

... PETITIONER / ACCUSED No.6

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.

IN CRIME NO.18 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.SIVABALAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

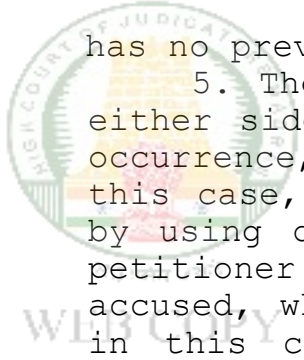
ORDER : The Court Made the following order :-

The petitioner/Accused No.6, who was arrested and remanded to judicial custody on 19.01.2018 for the alleged offences punishable under Sections 147, 148, 294(b), 324 and 302 IPC., in Crime No.18 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased namely, Appu @ Jeyakanthan, who was allegedly involved in the murder case of Al's brother, namely, Senthil and thereafter, the said Appu was acquitted in the said case in the year of 2010. Due to that enmity, the petitioner and other accused assaulted the deceased by using deadly weapons and thereby, the deceased succumbed to injuries. Hence, the case has been registered against the accused for the above said crime.

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 it is a case of retaliation murder. He further submitted that the investigation is completed and the case records have been forwarded to the Collector for getting approval. He further added that the petitioner



has no previous case.

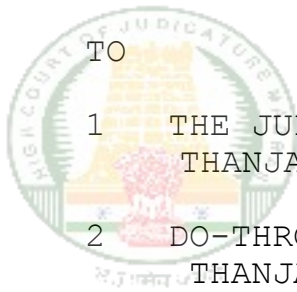
5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, due to the previous enmity, at the instigation of A1 in this case, the petitioner and other accused assaulted the deceased by using deadly weapons and committed the offence of murder. The petitioner is in judicial custody from 19.01.2018. Except some accused, who are all detained under Goondas Act, all other accused in this case were granted with bail. Now, as per the case of prosecution, as of now, after completing investigation, the case records have been forwarded to the District Collector for getting sanction. So, further detention may not be necessary for completing the investigation. Hence, 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 No.II, Thanjavur;
- (ii) the petitioner shall report before the respondent police daily twice at 10.00 a.m., and 05.00 p.m., until further orders;
- (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/-
28/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
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, TRICHY

+1. CC to M/S.K.SIVABALAN Advocate SR.No.4989

PJL

JAM/28/03/2018/ MM-PN / SAR 1/ 3P-7C

ORDER

IN

CRL OP(MD) No.4566 of 2018

Date :28/03/2018