



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

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4576 of 2018

1 DHANAPANDI
2 PETTIKADAI PANDI @ PANDI
3 RAJAPANDI
4 MURUGAN

... PETITIONERS / ACCUSED NO.3,15,35 & 39

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT,
IN CR.NO. 62/2007

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.SIVAPRAKASH 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 :-

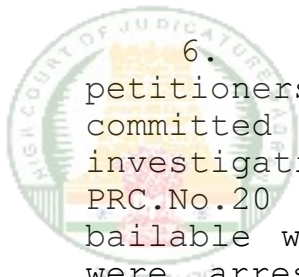
The petitioners, who are arrayed as accused Nos.3, 15, 35 and 39, were arrested and remanded to judicial custody on 16.02.2018 for the offences punishable under Sections 147, 148, 341, 323, 307 IPC, in Crime No.62 of 2007, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with 1000 members unlawfully assembled with deadly weapons, wrongfully restrained the defacto complainant and attacked him with deadly weapons. Hence, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are an innocent person and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 16.02.2018.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted the after completing the investigation charge sheet has been filed in PRC.No.20 of 2018.

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



6. It is alleged, during the time of occurrence, the petitioners and others, nearly 1000 people formed a gang and committed the offence. As of now, after completing the investigation charge sheet has been filed and taken on file as PRC.No.20 of 2008. Due to non-appearance of the petitioners, non-bailable warrant have been issued and thereafter, the petitioners were arrested and remanded to judicial custody on 16.02.2018. Previously, no bail is granted in favour of the petitioners. 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 petitioners on bail subject to some stringent conditions. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) each of the petitioners 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 petitioners shall appear before the respondent Police daily at 10.00 am for a period of two weeks and thereafter, as and when required for interrogation.

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

23/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 4 THE 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.SIVAPRAKASH Advocate SR.No.4665

ORDER IN

CRL OP(MD) No.4576 of 2018

Date :23/03/2018