



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

Tuesday, the Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.4609 of 2018

BALAKUMAR

... PETITIONER / ACCUSED NO.7

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION, MADURAI.
IN CR.NO. 35/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR Advocate

For Respondent : MR.PRABU RAMACHANDRAN Govt. Advocate (Crl. Side)

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

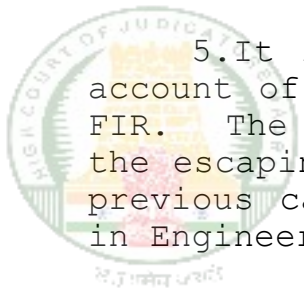
ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.7. He surrendered before the learned Judicial Magistrate No.VI, Madurai, on 02.02.2018 and was remanded to judicial custody on the same day. The case against him is for the offences punishable under Sections 147, 148, 294(b), 323, 452, 302 @ into Sections 120-B, 147, 148, 294(b), 323, 341, 452 and 302 IPC, in Crime No.35 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 14.01.2018, at 17.00 hours, due to previous enmity, the petitioner along with other accused took the deceased from his house, some of the accused caught hold of the deceased, Al-Nagaraj stabbed him with knife and murdered him. On complaint, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and prays for bail in favour of the petitioner.

4.The learned Government Advocate (Criminal side) submitted that there are totally four named and four unnamed accused in this case. Due to previous motive, the petitioner joined together with the other accused in this case and murdered the deceased in a day light. Therefore, he opposed grant of bail to the petitioner.



5.It is seen that the murder took place in this case more on account of sudden provocation. The petitioner is not named in the FIR. The overt-act attributed against him is that he facilitated the escaping of the principal accused from the spot and there is no previous case pending against the petitioner. He is also studying in Engineering College.

6.Taking note of the above circumstances, particularly, the long period of incarceration of the petitioner, even though the learned Government Advocate (Criminal side) opposes grant of bail, this Court is inclined to enlarge the petitioner on bail with certain 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai.
- (ii) The petitioner shall appear before the respondent police as and when required for interrogation.
- (iii) The petitioner shall not abscond.
- (iv) On breach of any of the aforesaid conditions, 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 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/-
03/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.5262

ORDER IN
CRL OP(MD) No.4609 of 2018
Date :03/04/2018