



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.4940 of 2018

AMALIPUSHPAM

... PETITIONER/12th ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT
(CRIME NO. 85/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MANIKANDAN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.12, who was arrested and remanded to judicial custody on 29.01.2018 for the alleged offences punishable under Sections 147, 148, 341, 506(ii) and 302 IPC., in Crime No.85 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.01.2018, due to the previous enmity, the petitioner and other accused unlawfully assembled and restrained the deceased Sakthivel and assaulted him by using deadly weapons and committed the offence of murder. Hence, the case has been registered against the petitioner and other 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 totally 13



accused are involved in this case. He further submitted that the investigation is in progress. Further, he 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 family dispute, after made conspiracy, the petitioner and other 10 accused unlawfully assembled and after spraying the chilly powder on the face of the deceased, assaulted him by using deadly weapons and caused severe injuries. Consequence to the injuries sustained by the deceased, he died on the spot. As of now, the portion of investigation is completed and the petitioner is in judicial custody from 29.01.2018. Thereby, considering the period of incarceration, further detention may not be necessary for completing the investigation. Admittedly, the petitioner is not having any previous case. Moreover, all other accused in this case are already arrested and remanded to judicial custody. Hence, considering the facts and other circumstances, 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.III, Dindigul;
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.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 /



TO

1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

3 THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL DISTRICT

4 THE SUPERINTENDENT, WOMEN PRISON, MADURAI.

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

+1. CC to M/S.K.MANIKANDAN Advocate SR.No.5022

ORDER

IN

CRL OP(MD) No.4940 of 2018

Date :28/03/2018

PK/MM-PN/SAR-1/28.03.2018 : 3P/7C