



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.823 of 2018

S.SIVA

... PETITIONER / ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUKKURUNGUDI POLICE STATION,
THIRUKKURUNGUDI, TIRUNELVELI DISTRICT.
(CRIME NO.154/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KA.RAAMAKRISHINAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

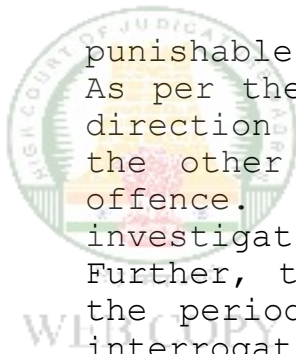
The petitioner/A7, who was arrested and remanded to judicial custody on 07.12.2017 for the offence punishable under Sections 302 IPC @ 147, 148, 364, 302 r/w 109 IPC in Crime No.154 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive, on 24.11.2017, the petitioner and other accused persons conspired together and taken the deceased namely, Divakaran to the secluded place and assaulted him with aruval and caused death to him. Hence, the case has been registered for the above said offences.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is no specific overtact against this petitioner/A7.

4.The learned Government Advocate (Criminal side) submitted that there are totally 8 accused in this case. He further submitted that this petitioner surrendered before the learned Judicial Magistrate No.I, Thoothukudi on 07.12.2017 and the other 7 accused persons were arrested. He further submitted that at the instigation of A8, the alleged occurrence had taken place and A8 had driven the car and accompanied the main accused.

5. The submissions made by the learned counsel on either side are considered. It seems that on 07.12.2017, the petitioner was surrendered and remanded to judicial custody for the offences



punishable under Sections 302 IPC @ 147, 148, 364, 302 r/w 109 IPC. As per the case of the prosecution, it is alleged that as per the direction given by one Isakki, who is the 8th accused in this case, the other seven accused including this petitioner committed this offence. As of now, according to the prosecution, part of investigation is completed and nobody is yet to be arrested. Further, the petitioner is the first offender. Hence, considering the period of incarceration of the petitioner, further custodial interrogation is not necessary for completing the investigation. Therefore this Court is inclined to grant bail to the petitioner. 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, Valliyoor;

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

(iv) the petitioner 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 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/-

18/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
3. THE OFFICER INCHARGE, BORSTAL SCHOOL, NANGUNERI, TIRUNELVELI.
4. THE INSPECTOR OF POLICE, THIRUKKURUNGUDI POLICE STATION, THIRUKKURUNGUDI, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KA.RAAMAKRISHINAN Advocate SR.No.866

ORDER IN

CRL OP(MD) No.823 of 2018

Date :18/01/2018