



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

Thursday, the Fifth day of April Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.5262 of 2018

V.KUMAR

... PETITIONER/7th ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.09/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SELVARAJ Advocate

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

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

ORDER : The Court Made the following order :-

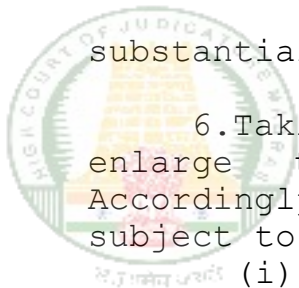
The petitioner is arrayed as the seventh accused in Crime No.9 of 2017. He surrendered before the learned Judicial Magistrate No.I, Tirunelveli, on 18.01.2018 and remanded to judicial custody. The case against him is for the offences punishable under Sections 147, 148, 120(B), 341 and 302 IPC. He seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, all the accused in this case, have conspired together and on 17.01.2018, they unlawfully assembled in the place of occurrence and when the deceased viz., Suresh was came, Accused Nos.1 to 4 waylaid and assaulted him with aruval indiscriminately and committed the murder of the deceased.

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.

4.The learned Government Advocate (Criminal side) submitted that the investigation in this case is almost over and there is no previous case registered against the petitioner.

5.This Court went through the contents of the FIR. It is seen that there are totally 9 accused in this case. The petitioner is figuring as the seventh accused and there is no previous case registered against the petitioner and by now, the investigation is



substantially over.

6. Taking note of the above aspects, 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, Cheranmahadevi.
- (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/-
05/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.D.SELVARAJ Advocate SR.No.5535

ORDER
IN
CRL OP(MD) No.5262 of 2018
Date :05/04/2018

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<https://hcservices.ecourts.gov.in/hcservices/>

CSL/CM-VR/SAR-1/05.04.2018 :2P/7C