



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

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.5447 of 2018

1 MARIMUTHU
2 SUBBIAH
3 SEENICHAMY
4 THANGARAJ
5 VETRIVELKUMAR @ KUMAR

... PETITIONER / ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION, SATTUR,
VIRUDHUNAGAR DT., IN CR.NO. 174/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.KALAIYARASI BHARATHI Advocate

For Respondent : M/S. A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

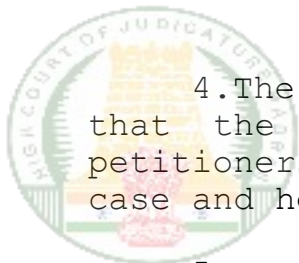
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.1 to 3, 5 and 6. They were arrested on 06.03.2018 by the respondent police and remanded to judicial custody. The case against them is for the offences punishable under Sections 174 Cr.P.C. @ 147, 148, 201, 202, 203, 120-B and 302 IPC r/w. 34 IPC, in Crime No.174 of 2017, on the file of the respondent police. They seek bail.

2.The case of the prosecution is that due to business rivalry, on 29.05.2017, at 14.15 hours, A3 to A6 caught hold the deceased - Karpagaraj and A1 and A2 assaulted him on his head and the deceased escaped from the scene of occurrence and was taken to the Hospital and died on 31.05.2017 at Government Rajaji Hospital, Madurai.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal side) submitted that the investigation is pending and grant of bail to the petitioners would certainly affect the further investigation of the case and hence, he opposed grant of bail to the petitioners.

5.Considering the nature of allegations made against the petitioners 1 and 2 herein [A1 and A2], this Court is not inclined to grant bail to them. Accordingly, this Criminal Original Petition is dismissed as against the petitioners 1 and 2. However, bail is granted to the petitioners 3 to 5 [A3, A5 and A6] subject to the following conditions.

- (i) The petitioners 3 to 5, each 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.II, Sattur.
- (ii) The petitioners 3 to 5 shall appear before the respondent police as and when required for interrogation.
- (iii) The petitioners 3 to 5 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 petitioners 3 to 5 in accordance with law as if the conditions have been imposed and the petitioners 3 to 5 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].

6.It is made clear that the petitioners 1 and 2 shall be entitled to renew their bail application only after filing of the final report.

sd/-
24/04/2018

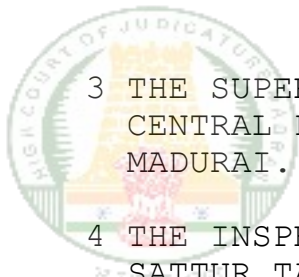
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II
SATTUR,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.P.KALAIYARASI BHARATHI Advocate SR.No.6993.

ORDER
IN
CRL OP (MD) No.5447 of 2018
Date :24/04/2018

SDS/CM:VR/VK/24.04.2018/3P/7C