



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

Wednesday, the Twenty Fifth day of April Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.6040 of 2018

1 M. JAMBULINGAM

2 T. SHANMUGAM

... PETITIONERS / ACCUSED No. 1 & 2

Vs

THE STATE REP. BY

THE SUB INSPECTOR OF POLICE,

M. PUDUPPATTI POLICE STATION, SIVAKASI,

VIRUDHUNAGAR DISTRICT, IN CR NO. 60 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SELVAKUMAR 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 A1 & A2. They were arrested and remanded to judicial custody on 11.08.2017 for the offence punishable under Sections 294(B) and 302 of IPC, in Crime No.60 of 2018, on the file of the respondent police. They seeks bail.

2. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and that the petitioners have not committed any offence as alleged by the prosecution and at most all the investigations were completed and prays for bail in favour of the petitioners.

3. The learned Government Advocate(Criminal Side) has strongly opposed to grant bail to the petitioners on the ground that the petitioner have committed the offence under Section 302 of IPC.

4. This Court went through the contention of FIR, in respect of the first petitioner/M.Jambulingam, this Court is not inclined to enlarge on bail and therefore, this Criminal Original Petition is adjourned on 29.06.2018 and in respect of the second petitioner/T.Shanmugam, it appears that the second petitioner has not played any role and therefore, this Court is inclined to enlarge the second petitioner on bail with certain conditions. Accordingly, the second



petitioner is ordered to be released on bail, subject to the following conditions;

(i) the second 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-II, Sivakasi.

(ii) the second petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) the second petitioner shall not abscond.

(iv) 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/-

25/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT
DISTRICT PRISON,
VIRUDHUNAGAR DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
M. PUDUPPATTI POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.7149.

ORDER

IN

CRL OP(MD) No.6040 of 2018

Date :25/04/2018