



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

Wednesday, the Twentieth day of June Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.10098 of 2018

1 ISAKKI @ ISAKKIRAJA

2 SUBRAMANIAN

... PETITIONERS/ACCUSED No.5 & 6

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI DISTRICT,
CRIME NO.427/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.KARTHICK SUBRAMANIAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / accused Nos.5 and 6 have been arrested in Crime No.427 of 2018 registered on the file of the respondent for the offences under Sections 392 r/w. 397 and 506(ii) of I.P.C.

2. This Court went through the contents of the First Information Report. The First Information Report does not inspire the confidence of this Court. However, this observation is made only for the grant of relief in this Criminal Original Petition and it shall not be taken advantage of by the petitioners for any other purpose.

3. The learned Government Advocate (Crl. Side) appearing for the respondent submits that the petitioners are having previous cases to their credit and that their involvement came to be known



only from the confession made by the principal accused. He would also point out that they were arrested only on 18.06.2018 and therefore granting bail to them would not be appropriate.

WEB COPY

4. This Court finds force in the submission made by the learned counsel for the petitioners that since they happened to be friends of the principal accused, they have also been falsely roped in. The petitioners are brothers. Their father passed away in Saudi Arabia in the month of April 2018. The body has just now arrived and their presence is absolutely necessary for the performance of the funeral rites.

5. Considering the facts and circumstances of the case the petitioners were allowed to move this Court directly without moving the Sessions Court. For the reasons already stated, bail is granted to the petitioners with certain condition. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two common sureties, for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai.

(ii) the petitioners are directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
20/06/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.V, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE SUB INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

+1. CC to M/S.KARTHICK SUBRAMANIAN Advocate SR.No.10805

ORDER

IN

CRL OP(MD) No.10098 of 2018

Date :20/06/2018

SMA/CM-VR/RNB/20.06.2018:3P/7C