



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

Wednesday, the Fourth day of July Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.10856 of 2018

MAYAKANNAN

... PETITIONER / ACCUSED RANK NOT KNOWN
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO. 258 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.VIVEK KUMAR, Advocate

For Respondent : Mr.A.ROBINSON, Government Advocate(Crl.Side)

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

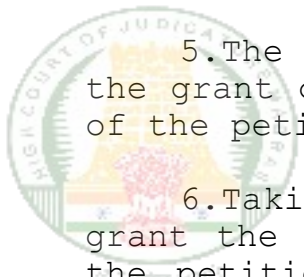
ORDER : The Court Made the following order :-

The petitioner is in custody since from 14.03.2018 for the offences under Section 394 of I.P.C. @ 397 of I.P.C in Crime No.258 of 2017. The First Information Report was registered on 28.04.2017 in respect of the occurrence that had taken place on 27.04.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

3.The de facto complainant is one Packiaraj. The de facto complainant has implicated three unnamed individuals. The prosecution would specifically admit that the Co-accused were arrested last year itself. This Court wanted to know whether from the confession of the co-accused, the petitioner herein has been implicated. There is nothing on record to show that the petitioner herein has been involved in Crime No.258 of 2017. The only material that is projected against him his own confession.

4.The learned counsel appearing for the petitioner submits that recently two notorious persons were gunned down by the Police in an encounter. The encounter taken place within his house premises. Therefore, the petitioner has been implicated in this case. The version of the petitioner appears to be quite probable. However, this Court's observation is made only for the grant of relief in this Criminal Original Petition. It cannot be made any other Criminal Original Petition.



5.The learned Government (Crl. side) Advocate strongly opposes the grant of bail citing the number of previous cases to the credit of the petitioner.

6.Taking note of all these aspects, this Court is inclined to grant 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 Judicial Magistrate Court, Vadipatti.

(ii)the petitioner is 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 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/-

04/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION, MADURAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.R.KARUNANIDHI Advocate SR.No.12287

ORDER

IN

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Date :04/07/2018