



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

Monday, the Twenty Fourth day of September Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15562 of 2018

SATHIS KUMAR

... PETITIONER / 5th ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
(IN CR NO. 543 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.AJMAL KHAN, Senior Counsel
For MR.A.KARTHICK KUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

For Intervener : MR.D.RAMESH KUMAR, Advocate

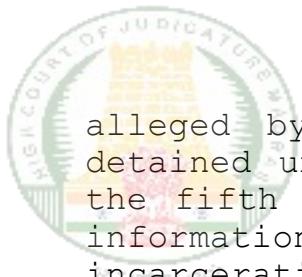
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 01.08.2018 for the offences punishable under Sections 341, 307 & 302 I.P.C @ Sections 341, 307, 302 & 120(b) I.P.C in Crime No.543 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that there was previous enmity existed between the accused persons and the deceased. Due to the above motive, the deceased and his group committed murdered one Jamal Mohammed. In these circumstances, on 31.07.2018 at about 1.30 p.m, when the deceased and the defacto complainant were proceeding in the motor cycle, the accused persons dashed the said motor cycle by using car and they stepped down from Car and they attacked the deceased by using deadly weapons. Hence, the case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent. He did not commit any offence as



alleged by the respondent police. The Accused Nos.1 to 4 were detained under under Tamil Nadu Act 14 of 1982. The petitioner is the fifth accused herein. His name was not mentioned in the first information report. He further submitted that the petitioner is in incarceration from 01.08.2018 onwards. Hence, he prays for bail.

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4. The learned counsel for the intervener would submit that the petitioner is the conspirator and he informed to Accused Nos.1 to 4 about the arrival of the deceased. He further submitted that if he is released on bail, he will tamper the witness and hamper the investigation. Hence, he vehemently, opposed the grant of bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the Accused Nos. 1 to 4 were detained under Goondas Act and the investigation is pending.

6. It is seen from the records that as far as the petitioner is concerned, he is the conspirator. The petitioner was employed as driver under the first accused. Further, it is seen that the brother of A2 was murdered by the deceased and others. Therefore, for that motive, Accused Nos. A1 to A4 hit the deceased while the deceased was driving the motor cycle and intercepted and attacked with aruval, indiscriminately. Therefore, the deceased died on the spot. Even according to prosecution, the petitioner is the conspirator and he informed to Accused Nos.1 to 4 about the arrival of the place of occurrence. Further A1 to A4 were already detained under Goondas Act.

7. Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. 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 No.I, Dindigul.

(ii) the petitioner shall appear before the Inspector of Police, Pudukkottai Town Police Station daily at 10.30 a.m until further orders.

sd/-
24/09/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE SUB INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

6 THE INSPECTOR OF POLICE,
PUDUKKOTTAI TOWN POLICE STATION,
PUDUKKOTTI DISTRICT

+1. CC to M/S.A.KARTHICK KUMAR Advocate SR.No.18081

ORDER

IN

CRL OP(MD) No.15562 of 2018

Date :24/09/2018

JM/VR MMS/SAR 1/24.09.2018/3P/8C