



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1234 of 2019

KARTHIK KUMAR

... PETITIONER / ACCUSED NO.6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.688/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.ANANTHAPADMANABAN, Advocate for
M/S.APN LAW ASSOCIATES, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

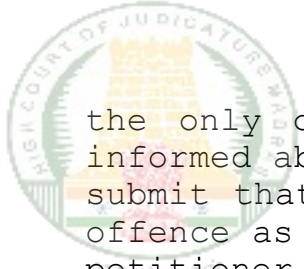
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 13.11.2018 for the offences punishable under Sections 147,148,302,506(ii) of IPC @ 147,148,342,302, 506(ii) and 201 of IPC Crime No.688 of 2018 on the file of the respondent police and seeks bail.

2. The case of the prosecution is that due to previous enmity between the A1 to A5 and the deceased, A1 to A5 had done away the deceased. On 12.11.2018, when the defacto complainant was in her house, the deceased friend Saravanamoorthy had informed her that her son Sathish kumar was assaulted by the accused A1 to A5 near Thiraviam Pillai hospital and he sustained several cut injuries. On hearing the same, the defacto complainant and her husband went to the spot and saw their son dead. Thereafter she lodged a complaint before the respondent police. Based on the confessions given by the A1 to A5, this petitioner has been implicated as an accused in this case.

3.The learned counsel for the petitioner would submit that the petitioner was not present in the scene of occurrence and there is no specific overt act with regard tot he offence of murder as made against him. The only case is that the petitioner was found in possession of mobile of three accused. He would further submit that



the only offence committed by the petitioner is that he has not informed about the incident to the respondent police. He would also submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is in judicial custody for more than 50 days.

4. The learned Government Advocate(Crl.Side) would submit that one Sathish Kumar was murdered by accused A1 to A5. He would also submit that the mobile phone of other accused was with the petitioner herein and he had helped the other accused to go to Rameshwaram. He would also submit that investigation is not yet completed. He would also submit that this petitioner is implicated based on the confession given by the other accused in this case.

5.Considering the above facts and circumstances and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.IV, Madurai and on further condition that:

[a] the npetitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 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]**.

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-
28/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
 4. THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION, MADURAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.APN LAW ASSOCIATES Advocate SR.No.1517

ORDER

IN

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Date :28/01/2019

MS/VR/SAR-4/28.01.2019/3P.7C