

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.6824 of 2019

ARUN, ... PETITIONER / ACCUSED No.6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.126 OF 2019) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MURUGAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.6, was arrested and remanded to judicial custody on 11.04.2019 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 448, 363 & 307 of IPC @ 147, 148, 294(b), 323, 324, 448, 363, 307, 120(b), 201 & 202 of IPC @ 302 of IPC, in Crime No.126 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased viz., Thirumalainathan and A1 viz., Anand were close friends and both were doing Bricks and Sand business. Due to some misunderstanding between them, A1 developed grudges against the said Thirumalainathan and made a threatening phone call to the deceased and in continuance to that, on 06.04.2019 A1 and other accused persons abducted the deceased from one Balakrishna Complex. Immediately, one Pandi, who is the friend of the deceased, Parthiban and Palani rescued the deceased and admitted him in the Government Hospital, where he succumbed to the injuries and thereafter, the father of the deceased has filed the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 11.04.2019. He further submitted that co-accused/A10 in this case was granted bail by this Court. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation of the case is almost completed and viscera report is yet to be received for filing charge sheet.

5.The submissions made by the learned counsel appearing on either side are considered.

6.The petitioner is the first offender and he is in judicial custody from 11.04.2019, the learned Government Advocate (criminal side) fairly conceded that a substantial portion of the investigation has been completed and thereby, further custodial interrogation is not necessary for completing investigation. Already one accused viz., Balasubramanian was granted bail as per the order of this Court made in CrI.O.P.(MD)No.6265 of 2019, dated 29.04.2019. As per the case of the prosecution, there is no specific overt act is attributed against the petitioner. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to some stringent 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi.

[ii] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioner shall stay at Erode and report before the Inspector of Police, Town Police Station, Erode, daily at 10.00 a.m. until further orders.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) 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/-
29/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE INSPECTOR OF POLICE,
TOWN POLICE STATION, ERODE.
5. THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.R.MURUGAN, Advocate (SR-8792 [I] dated 29/05/2019)

ORDER
IN
CRL OP (MD) No.6824 of 2019
Date : 29/05/2019

LS
AE/VR/SAR-IV (30.05.2019) 3P 8C