

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.7475 of 2019

SARAVANAN

... PETITIONER / ACCUSED No.4

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR.NO.289/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ALAGUMANI 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.4, was arrested and remanded to judicial custody on 09.04.2019 for the offences punishable under Section 120 (b), 147, 148, 149 and 302 of IPC r/w. Section 5 of the Explosive Substantce Act, 1908 in Crime No.289 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.10.2018, the petitioner and other accused persons unlawfully assembled with deadly weapons, country bombs and attacked the deceased by name Karthik and Vicky @ Vignesh and murdered them. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

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 his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 09.04.2019. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that a substantial portion of the investigation is already been completed and similarly placed accused were released on bail.

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

6. Admittedly, the petitioner is a first offender and he is in the judicial custody from 09.04.2019, portion of the investigation has been completed. Hence, further custody of the petitioner is not necessary for the prosecution to complete the investigation. Hence, considering the above facts and circumstances of the case, particularly on 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram District.

[ii] 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 Palani and report before the Inspector of Police, Palani Town Police Station, 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 co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(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 NO II,
RAMANATHAPURAM DISTRICT.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3.THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4.THE INSEPCTOR OF POLICE
PALANI TOWN POLICE STATION, PALANI.
 - 5.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.ALAGUMANI Advocate SR.No.8802

ORDER
IN
CRL OP(MD) No.7475 of 2019
Date :29/05/2019

TK/MMS/SAR-4/30.05.2019/3P/8C

सत्यमेव जयते

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