



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.12818 of 2017

MURUGAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO.115 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M. JEGADEESH PANDIAN Advocate

For Respondent : Mr.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR.

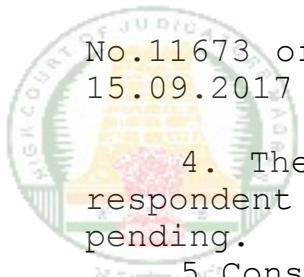
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / accused No.9, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147,148,294(b),307,302,506(ii) of IPC @ 147, 148, 294(b), 307,302, 506(ii) of IPC @ 147,148,294(b),307,302,506(ii) of IPC r/w. 120(B) of IPC in Crime No.115 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the while the deceased and another Subbiah came by bike, the car driven by A2 with other accused dashed in the backside of the de facto complainant's two wheeler and A1 to A5 are said to have attacked with deadly weapons and caused murder of the deceased Azhagu Krishnan as per the confession of A1.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further state that the petitioner has only dropped the other accused for committing the said offence. He would further state that co accused viz., A9 and A7 were already granted anticipatory bail and bail by this Court in CrI.O.P(MD).



No.11673 of 2017 and CrI.O.P(MD).No.12180 of 2017 on 04.09.2017 and 15.09.2017 respectively.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions would submit that the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the alleged overt act attributed against the petitioner and that co-accused were already granted anticipatory bail and bail by this Court in CrI.O.P(MD).No.11673 of 2017 and CrI.O.P(MD).No.12180 of 2017 on 04.09.2017 and 15.09.2017 respectively, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.III, Thirunelveli District, on condition that 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall appear before the respondent Police daily at 10.30 am until further orders.

[b]the petitioner shall not tamper with evidence or witness either during investigation or 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)**.

sd/-

28/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.3
THIRUNELVELI DISTRICT



3 THE INSPECTOR OF POLICE
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT,

4 THE SUPERINTENDENT OF CENTRAL PRISON,
PALAYAMKOTTAI,
THIRUNELVELI

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

+1. CC to M/S.P.MUTHUPANDI Advocate SR.No.31865

ORDER
IN
CRL OP(MD) No.12818 of 2017
Date :28/09/2017

MV:CM-MSA:SAR3:28/09/2017/2P/7C