



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

Tuesday, the Thirtieth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CRL OP(MD) No.6482 of 2017

1 A.ATHINAMILAGI
2 V.CHITTUPILLAI

... PETITIONERS / ACCUSED NO.6 & 7

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MATHAKUPATTY POLICE STATION,
SIVAGANGA DISTRICT
IN CRIME NO. 99/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.S.RAVICHANDRAN Advocate

For Respondent : MR.R.RAMACHANDRAN ADDITIONAL PUBLIC PROSECUTOR,
(Crl. Side)

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

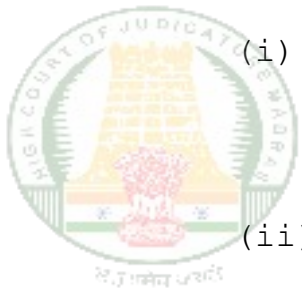
ORDER : The Court Made the following order :-

The petitioners are arrayed as A6 and A7 and arrested and remanded to judicial custody on 18.04.2017 for the alleged offences punishable under Sections 147, 148, 342, 355 r/w 302 IPC in Crime No.99 of 2017, on the file of the respondent police and hence, seek bail.

2.Earlier, the petitioners had approached this Court and filed bail application in Crl.O.P.No.6367 of 2017 and the same was dismissed. However, it has been pointed out that the the overt act attributed against the petitioners should be considered. Today, the learned Additional Public Prosecutor informed this Court that the petitioners are arrayed as A6 and A7, and are aged 65 and 67 years respectively and they had broomsticks in their hands and restrained the deceased, on whom fatal injuries were caused by other accused. It is also informed by the learned Additional Public Prosecutor that the second accused has not joined the investigation and could not be secured.

3. The learned counsel for the petitioners submitted that the overt act attributed against the petitioners only restraint with broomstick and they had not caused any injury to the deceased . It is also brought to the notice by the learned counsel for the petitioners that they are aged 65 and 67 years respectively.

4.Considering the above facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:



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- (i) the petitioners shall execute a separate 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.1, Sivaganga,
- (ii) the petitioners shall appear before the respondent police daily at 10.30 a.m until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) 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].
- (vi) Grant of bail to these accused cannot be a ground to seek or grant similar relief to other accused against whom overt acts have been attributed.

5.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the condition or not.

sd/-
30/05/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGA.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE,
MATHAKUPATTY POLICE STATION,
SIVAGANGA DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.S.RAVICHANDRAN Advocate SR.No.57998

ORDER IN
CRL OP(MD) No.6482 of 2017
Date :30/05/2017