



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Seventh day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16691 of 2015

SHANMUGASUNDARAM @ SATHISH

..PETITIONER/ACCUSED No.1

Vs.

STATE REP BY THE INSPECOTR OF POLICE

ALANGULAM POLICE STATION

TIRUNELVELI DISTRICT.

(CRIME NO 384 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S R.GOKULA KRISHNAN Advocate

For Respondent : M/s.S.PRABHA, Government 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 A1 in Crime No.384 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 03.08.2015 for the alleged offences punishable under Sections 294(b), 302 and 109 of I.P.C., and hence, seeks bail.

2.The case of the prosecution is that due to previous enmity between A2 and the deceased, on 01.08.2015, all the accused abused the deceased with filthy language and attacked him with beer bottle and caused his death.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that only at the instigation of A2, the petitioner/A1 attacked the deceased and he is in judicial custody for more than 35 days.

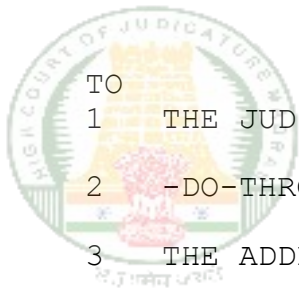
4.The learned Government Advocate (Crl.side) would submit that totally there are three accused in this case and A2 have a motive against the deceased and A2 & A3 invited the deceased to consume alcohol and the petitioner/A1, who is the friend of A2, working as a police constable, came to the occurrence place and he also consumed liquor along with others and due to wordy quarrel, at the instigation of A2, the petitioner/A1 attacked the deceased with beer bottle and caused his death.

5.Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail on the following conditions.

6.Accordingly, the petitioner is directed to be released on bail on 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 learned Judicial Magistrate, Tenkasi and on further condition that the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

sd/-

07/09/2015



TO

1 THE JUDICIAL MAGISTRATE, TENKASI, TIRUNELVELI DISTRICT.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE INSPECOTR OF POLICE, ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

+1. CC to M/S K.SIVABALAN, Advocate SR.No.52186

ORDER IN

CRL OP(MD) No.16691 of 2015

Date :07/09/2015

PBK/AAL-MPA/SAR-I 07/09/2015 ::2P-7C::