



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

Monday, the Twenty Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22092 of 2015

MARIAPPAN

... PETITIONER/SOLE ACCUSED

Vs.

STATE THROUGH
THE INSPECTOR OF POLICE
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CR NO.147/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.SATHYA CHIDAMBARAM Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.08.2015 for the alleged offences punishable under Sections 341, 294(b), 307 and 302 of the Indian Penal Code in Crime No.147 of 2015 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that due to dispute over taking water from the canal for irrigation purpose, the petitioner stabbed the deceased and also attacked the defacto complainant.

3. The case of the petitioner is that the deceased and son of the defacto complainant tried to murder the petitioner. By accident, he attack with knife injury was inflicted in the stomach of the deceased, due to which, he died. The learned counsel for the petitioner submitted that the petitioner is in judicial custody for more than 83 days and the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) submitted that due to dispute with regard to taking water, the petitioner
seized the deceased and caused the death and attacked the defacto complainant.



5. From the materials, it is seen that there is a dispute with regard to taking water from the canal for irrigation purpose and according to the petitioner, the deceased and the defacto complainant tried to attack the petitioner and due to which, by accident, knife stabbed in the stomach of the deceased, in which, he died. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 30.08.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his 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, Cheranmahadevi, Tirunelveli District and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-
23/11/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE INSPECTOR OF POLICE
PAPPAKUDI POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S S.SATHYA CHIDAMBARAM Advocate SR.No.66898

akm/23.11.2015 /2p-7c/

ORDER
IN
CRL OP(MD) No.22092 of 2015
Date :23/11/2015