



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

Wednesday, the Ninth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23305 of 2015

1 MOHAN

2 VIVEK @ VIVEKANANTHAN

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
THANJAVUR MEDICAL COLLEGE HOSPITAL POLICE STATION,
THANJAVUR.
CRIME NO.354/2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S K.M.KARUNAKARAN Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 & 2, who were arrested and remanded to judicial custody on 22.10.2015 and 23.10.2015 respectively for the alleged offences punishable under Sections 324 altered into 302 of IPC, in Crime No.354 of 2015 on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the first petitioner gave a complaint before the respondent police alleging that his son namely Usilai @ Satheeswaran was assaulted by somebody and caused serious injuries on 15.10.2015 and admitted in the hospital. On his complaint, the case has been registered for the offence under Section 324 of IPC. Subsequently, he died in the hospital on 21.10.2015 due to the injuries. The charges were altered into 302 of IPC. During the investigation, the petitioners surrendered before the Village Administrative Officer on 22.10.2015 and 23.10.2015.

3.The case of the petitioners is that the deceased is the second son of the first petitioner and it is unbelievable that the first petitioner assaulted his son. The petitioners are falsely implicated only on the basis of the confession of the co-accused.

4.The learned Government Advocate (Crl.side) submitted that the deceased used to quarrel with the petitioners and causing trouble to the first petitioner and his family. Due to that, the first petitioner with the help of other two persons, attacked the deceased and caused death. The investigation is pending. He further submitted that the third accused juvenile was arrested and released on bail.

5.From the facts, it is seen that the first petitioner is the father of the deceased and he only gave a complaint that his son was assaulted by somebody.



6.Considering the facts and circumstances of the case,this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail on each of them 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 No.II, Thanjavur and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-
09/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
 - 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
 - 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE INSPECTOR OF POLICE,
THANJAVUR MEDICAL COLLEGE HOSPITAL POLICE STATION, THANJAVUR.
 - 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- +1. CC to M/S K.M.KARUNAKARAN Advocate SR.No.70427

ORDER IN
CRL OP(MD) No.23305 of 2015
Date :09/12/2015

PBK/JGB-DP/SAR-II 09/12/2015 ::2P-7C::