



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

Tuesday, the Third day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.2522 of 2015

WEB COPY

1 RAVI @ RAVI CHANDRAN
2 KUMAR ALIAS RAJA SINGH
3 R. JEGAN

... PETITIONERS/ACCUSED 1 TO 3

Vs

STATE.REP.BY
THE SUB- INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DT, NAGERCOIL,
IN CRIME NO.879/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.P. SENTHIL Advocate
For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 31.12.2014 for the offence punishable under Sections 302 read with 34 IPC in Crime No.879 of 2014 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the body of the deceased was found near a cemetery on 27.12.2014 and on suspicion, his wife lodged a complaint against five persons. Initially the police registered a case under Section 174 Cr.P.C. and on the arrest of these petitioners on 31.12.2014, the case was converted to one under Section 302 read with 34 IPC. According to the prosecution, there was a temple festival in the Village in which a scuffle ensued between these petitioners and the deceased, because the deceased in an inebriated state picked up quarrel with the organizers of the Temple festival.

3. This Court perused the postmortem report and found that there is no serious injuries, and only abrasions over the back of lower end of left fore arm. The petitioners are in incarceration since 31.12.2014. It is represented that there are no bad antecedents against these petitioners and investigation is almost over and chemical analysis report is awaited. Since the investigation is almost over, this Court is inclined to grant bail to the petitioners, but with conditions.

4. Accordingly, the petitioners are 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, Eraniel, and on further condition that:

[a] the petitioners shall report before the respondent police everyday daily at 06.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.



[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 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]**.

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

sd/-

03/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.
- 4 THE SUB- INSPECTOR OF POLICE
ERANIEL POLICE STATION, KANYAKUMARI DT,
NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.P. SENTHIL Advocate SR.No.9897

ORDER
IN
CRL OP(MD) No.2522 of 2015
Date :03/03/2015

PA/03.03.15/2P/7C