



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

Wednesday, the Twentieth day of May Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE V.S.RAVI

CRL OP(MD) No.9273 of 2015

SOUNDARAJ

... PETITIONER / 1st ACCUSED

Vs

THE INSPECTOR OF POLICE

KANNIVADI POLICE STATION, DINDIGUL DT, CRIME

NO.82/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SELVARAJ 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 :-

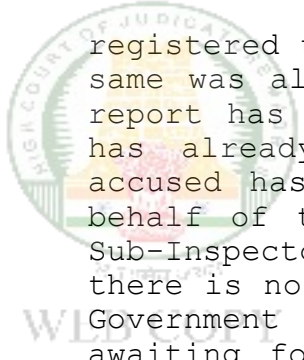
This is an application filed by the petitioner/first accused, who has been arrested and remanded to judicial custody on 16.04.2015 for the alleged offences punishable under Sections 174 Cr.P.code 302 r/w 201 IPC in Crime No.82 of 2014 on the file of the respondent police. Hence, the petitioner is seeking bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (crl. side).

3. It is stated in the petition that the defacto complainant, who is the Village Administrative Officer of Kesavanampatti Village, received information on 29.04.2014 at about 10.00 a.m that one Sakthivel native of Govindapuram has expired under suspicious circumstances and the respondent police registered a case under Section 174 Cr.P.C in Crime No. 82 of 2014. Further, it is stated in the petition that further investigation revealed that there has been a dispute between the deceased and the brother of the first accused in connection with landed properties on 28.07.2014 at about 9.00 p.m. The first accused attacked the deceased with iron rod. Further it is stated in the petition that the petitioner is no way connected with the above occurrence and the case has been registered by the respondent police on 29.04.2014, whereas, alteration report has been filed only 24.07.2014 after a period of three months and the petitioner has been implicated without any proper evidence. Furthermore, it is stated that already the second accused has been granted anticipatory bail in Crl.O.P.(MD)No.17924 of 2014 dated 21.11.2014 and the third accused has already been released on bail in Crl.O.P.(MD)No.16572 of 2014 dated 08.09.2014. Further it is stated in the petition that the petitioner has been arrested by the respondent police on 16.04.2015 and he is in custody for the past 30 days and the petitioner has been implicated without any proper evidence and there is no bad antecedents as against the petitioner herein.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Crl.side), on instructions from the respondent police, reported that initially the case has been



registered under Section 174 Cr.P.C in Crime No.82 of 2014 and later, the same was altered into under Sections 302 r/w 201 IPC and the alteration report has been filed before the concerned court and the second accused has already been released on anticipatory bail. Further, the third accused has already been released on bail. Further, it is reported on behalf of the respondent that the first accused has worked as Special Sub-Inspector of Police and at present, he is aged about 62 years and there is no bad antecedents as against the petitioner herein. The learned Government Advocate (Crl.side) further submitted that the police is awaiting for chemical analysis report to file a final report and that substantial part of the investigation is over in this matter. The learned Government Advocate(Crl.side) requested to impose stringent conditions to the accused.

5. On consideration of the above mentioned facts and circumstances and situation of the present case, it is found that the present case is a fit case for grant of bail with conditions. Accordingly, the petitioner is ordered to be released on bail on the following conditions:-

(i) The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand Only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul.

(ii) The petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

(iii) The petitioner shall surrender his passport, if any, before the trial Court.

(iv) The petitioner shall not leave Govindapuram, Kannivadi Village, Dindigul, without prior permission of the concerned Court.

(v) The petitioner shall not try to intimidate, threat, influence or allure the prosecution witnesses in any manner.

(vi) In case of any breach or violation of any of the above said conditions, the State would be at liberty to move the Court for cancellation of bail granted to the petitioner.

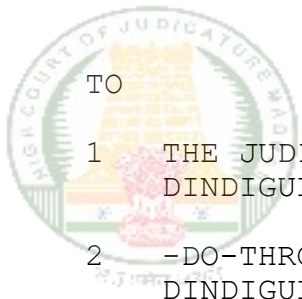
(vii) The petitioner shall made himself available for interrogation by the police officer as and when required.

(viii) The petitioner should furnish his residential address to the investigation officer forthwith by producing the true copy of the ration card/Voter ID/Adhar Card.

sd/-
20/05/2015

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.2
DINDIGUL DISTRICT

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL

4 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION, DINDIGUL DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SELVARAJ Advocate SR.No.25739

Sm:22.05.2015:3P/7C

ORDER
IN
CRL OP(MD) No.9273 of 2015
Date :20/05/2015