

Crl.O.P.No.5935 of 2016**K.KALYANASUNDARAM, J.**

Suo motu, The Inspector of Police, Tiruppur North Police Station, Tiruppur, is impleaded as second respondent.

2.The petitioner, who is arrayed as an accused, was surrendered and remanded to judicial custody on 19.01.2016 for the alleged offences punishable under Section 174 Cr.P.C. and subsequently altered into Sections 302 and 201 of IPC in Crime No.56 of 2016 on the file of the respondent police and hence, seeks bail.

3.The case of the prosecution is that the deceased, who is aged about 26 years had trespassed into the house of the petitioner in the wee hours on 17.01.2016. The petitioner caught hold of the deceased and called the other accused, namely, A-2 and 3, who are juveniles and attacked him with belt and iron rod and caused his death, resulting in the registration of the case.

4.Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. It is further submitted that even as per the prosecution case, the fatal injury was caused by A-2 and A-3 and the petitioner is said to have attacked the deceased with a belt. It is also submitted that the accused did not have intention to murder the deceased and therefore, they cannot be charged under Section 302 of IPC.

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5.Per contra, learned Government Advocate [Criminal Side] appearing for the respondent would submit that the occurrence had taken place on 17.01.2016 and after committing murder, the accused thrown the body in a burial ground and the complaint was preferred by the Village Administrative Officer on 19.01.2016. It is further submitted that all the accused were surrendered before the Village Administrative Officer of the nearest Village and confessed the commission of offence. It is also submitted that major part of the investigation is over and the petitioner has no bad antecedents.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum, to the satisfaction of the learned Judicial Magistrate No.I, Tiruppur and on further condition that the petitioner shall report before the respondent police daily at 10.00a.m. until further orders.

22.03.2016

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