



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11698 of 2016

KARTHICK

... PETITIONER/ACCUSED NO.1

Vs

THE STATE

REP BY ITS THE SUB INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT,
(CRIME NO.319 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S. M.S.JEYAKARTHIK Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

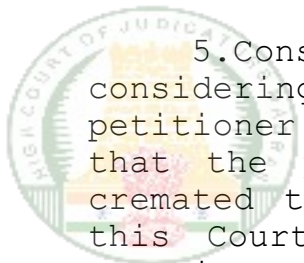
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 07.05.2016 for the alleged offences punishable under Sections 302 and 201 of IPC, in Crime No.319 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased are brothers. They along with other relatives went to attend the village festival. At that time, the deceased demanded money from his mother for consuming liquor. When she was refused to give money, he attacked his mother, due to that, the petitioner attacked the deceased and the deceased died due to the injuries. Thereafter, without informing to the police, the petitioner and other relatives cremated the body. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. The deceased fell down in inebriate condition and due to that, he died. On complaint by Village Administrative Officer, false case has been foisted.

4.The learned Government Advocate (Crl.side) submitted that the petitioner and the deceased are brothers. The petitioner attacked the deceased, due to that, he died. Investigation is pending.



5. Considering the facts and circumstances of the case and also considering the fact that the deceased attacked the mother of the petitioner and the main allegation against the accused persons is that the petitioner and others without informing to the police cremated the body and he is in judicial custody from 07.05.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute a 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.I, Sivagangai.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

14/07/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
4. THE SUB INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S M.S.JEYAKARTHIK Advocate SR.No.36508
RL/7C/2P/SK/SKN/SARIII/14/7/2016

ORDER

IN

CRL OP(MD) No.11698 of 2016

Date :14/07/2016