



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

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11979 of 2016

KALYANA SUNDARAM,

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,

MELAVALAVU POLICE STATION,

MELAVALAVU,

MADURAI DISTRICT.

CRIME NO.145 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S V.MUTHUSAMUNDEESWARAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as sole accused was arrested and remanded to judicial custody on 24.05.2016 for the alleged offences punishable under Section 307 of IPC @ 302 of IPC in Crime No.145 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the deceased is husband of the defacto complainant and the petitioner is the sister's husband of deceased. On date of occurrence i.e on 24.05.2016, the deceased in a drunken mood abused and attacked the defacto complainant. The petitioner intervened and pushed him down. Due to that, he sustained injuries and subsequently, died. On complaint, a case has been registered against the petitioner for the above said offences.

3. The case of the petitioner is that on the date of occurrence, the deceased abused and attacked the defacto complainant. At that time, the petitioner intervened. He further submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) submitted that the investigation is completed and the charge sheet is filed.

5.Considering the manner in which the accident took place and close relationship between the petitioner and the deceased and that the petitioner is in judicial custody from 24.05.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail,

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

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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, Madurai District.

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- (ii) the petitioner shall appear before the concerned Court regularly on all future hearing dates without fail.
- (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/-

18/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,MADURAI.
- 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, MELAVALAVU POLICE STATION, MELAVALAVU, MADURAI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- +1. CC to M/S S.AYYANAR PREMKUMAR, Advocate SR.No.37294

ORDER IN

CRL OP(MD) No.11979 of 2016

Date :18/07/2016