



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12045 of 2016

A.BINU KUMAR

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PALAKKARAI POLICE STATION,
TRICHY CITY.
CR. NO.256/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S B.JAMEEL ARASU Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. 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, who was arrested and remanded to judicial custody on 09.05.2016 for the alleged offences punishable under Sections 174 Cr.P.C., altered into 302 of IPC, in Crime No.256 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the deceased was climbing the pipe line to the upstairs portion of the neighbour house, on seeing this, the petitioner and public assaulted him and caused injury. The deceased came to his house and subsequently, he died. Originally, the case has been registered under Section 174 Cr.P.C., and later altered into 302 of IPC.

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 and his name is not found in the FIR. The petitioner is in judicial custody from 09.05.2016..

4.The learned Government Advocate(Crl.side) submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 09.05.2016, 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



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sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tiruchy.

(ii) the petitioner shall report before the respondent police daily at 10.00 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/-

19/07/2016

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

TO

1 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE INSPECTOR OF POLICE
PALAKKARAI POLICE STATION, TRICHY CITY.

+1. CC to M/S B.JAMEEL ARASU Advocate SR.No. 37702.

ORDER

IN

CRL OP(MD) No.12045 of 2016

Date :19/07/2016

AM/NGM.MP/SAR-I/19.07.2016/2P/7C