



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12375 of 2016

VADIVEL

... PETITIONER/ACCUSED NO.4

Vs

STATE REB.BY
THE INSPECTOR OF POLICE
THIRUPPALAIKUDI POLICE STATION,
THIRUPPALAIKUDI,
RAMNAD DISTRICT,
CR NO.49 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.UTHAYAKUMAR Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. 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 accused No.4 was arrested and remanded to judicial custody on 22.05.2016 for the alleged offences punishable under Section 174 Cr.P.C @ 201 and 302 of IPC in Crime No.49 of 2016 , on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 05.05.2016 the petitioner along with other accused while standing in their village in a drunken mood, the deceased asked the accused persons to give liquor, due to that, wordy quarrel arose. The petitioner and other accused persons assaulted and drowned him into the pond. On complaint, a case has been registered for the above said offences.

3. The learned counsel for the petitioner 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. He further submitted that the petitioner and other accused were consuming liquor and when the deceased asked for liquor, the petitioner along with other accused persons attacked and due to that wordy quarrel arose and he died. He further contended that on the date of occurrence, when the deceased asked the petitioner and others liquor the deceased was in full intoxicated mood, due to that wordy quarrel arose and further, the deceased run over inside of the village in a naked position and the same has been



noticed by the villagers. Further, the deceased was died only due to the consuming liquor and he is in judicial custody for more than 60 days and prayed for enlarging the petitioner on bail.

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

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 22.05.2016,

I am 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ramnad District.
- (ii)the petitioner shall appear before the respondent Police daily at 10.00 am and 5.30 pm 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/-
21/07/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, NO.1, RAMANATHAPURAM DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE, THIRUPPALAIKUDI POLICE STATION,
THIRUPPALAIKUDI, RAMNAD DISTRICT,

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

+1. CC to M/S A.UTHAYAKUMAR Advocate SR.No.38392

ORDER

IN

CRL OP (MD) No.12375 of 2016

Date:21/07/2016

SDR/NGM-MP/SAR III/21.07.2016/3P/7C