



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

Friday, the Twenty Second day of July Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.12448 of 2016

WEB COPY

RAJESH

... PETITIONER/4th ACCUSED

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

DINDIGUL TOWN SOUTH POLICE STATION,

DINDIGUL, DINDIGUL DISTRICT.

(CRIME NO. 269 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.PRAGALATHAN 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 No.4, who was arrested and remanded to judicial custody on 10.04.2016 for the alleged offences punishable under Sections 294(b), 323, 324 and 302 of IPC, in Crime No.269 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 03.04.2016 the petitioner along with other accused persons attacked the defacto complainant/deceased with knife. Due to the injury, the deceased was admitted in the hospital on 03.04.2016 and subsequently, on 06.04.2016 he died. Initially, a case has been registered for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC and subsequently, altered into Sections 294(b), 323, 324 and 302 of IPC.

3.The case of the petitioner is that the petitioner name is falsely implicated due to the family dispute between the deceased family and the petitioner's family. The overt-act attributed against the petitioner is that he stabbed on right leg of the deceased. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He is in judicial custody from 10.04.2016.

4.The learned Government Advocate(Crl.side) submitted that the petitioner and other accused attacked the deceased and stabbed the deceased. Due to the injury, the deceased died. Investigation has been completed and the charge-sheet has been filed before the learned Judicial Magistrate No.3, Dindigul in P.R.C.No.20 of 2016.

5.Considering the facts and circumstances of the case and also considering the fact that the charge sheet has already been filed into Court in P.R.C.No.20 of 2016 and the petitioner is in judicial custody from 10.04.2016, 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.3, Dindigul.

(ii) the petitioner shall report before the learned Judicial Magistrate No.III, Dindigul 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/-

22/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE,
BORSTAL SCHOOL, PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.

4 THE SUB INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.

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

+1. CC to M/S N.PRAGALATHAN Advocate SR.No.38684

ORDER

IN

CRL OP(MD) No.12448 of 2016

Date :22/07/2016