



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13014 of 2016

S. JEYAPRAKASH

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

SATTUR TALUK POLICE STATION,

CRIME NO. 148 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.MICHAEL BHARATHI Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

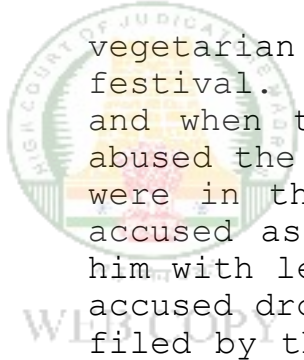
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 14.06.2016, for the alleged offences punishable under Section 302 IPC, in Crime No.148 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the father of the de facto complainant found missing from 10.05.2016 and on 13.05.2016, his dead body was found in the well outside the village. On complaint, a case has been registered for the above said offence.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The relatives of the deceased assaulted the petitioner to reveal the names of the persons, who murdered the deceased. Due to that the petitioner suffered injuries and he was admitted in the hospital and he was taking treatment from 17.05.2016 to 31.05.2016 in Government Hospital, Sattur. The petitioner lodged a complaint against the relatives of the deceased, who assaulted him and he obtained anticipatory bail. After discharged from the hospital, the respondent police detained him for five days and forced him to confess that he only murdered the deceased and on complaint to the higher authorities, he was allowed to go out of the police station. The confession of the petitioner is not voluntary. The petitioner is in judicial custody from 14.06.2016.



vegetarian meals and issued token to the people in a temple festival. The deceased entered into the dining hall without token and when the same was questioned by the petitioner, the deceased abused the petitioner and others and spitted against the persons who were in the dining hall and due to that the petitioner and other accused assaulted the deceased indiscriminately with hands, kicked him with legs on his chest and neck and caused his death and all the accused dropped the body of the deceased in a well. Earlier petition filed by this petitioner seeking anticipatory bail was dismissed by this Court.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 14.06.2016, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sattur.
- (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]**.

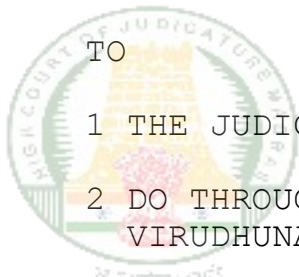
6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

08/08/2016

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION, SATTUR.

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

5 THE OFFICER IN CHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

+1. CC to M/S.M.MICHAEL BHARATHI Advocate SR.No.42697

PJL

CSL/SKS-RR/SAR-I/08.08.2016: 3P/7C

ORDER

IN

CRL OP(MD) No.13014 of 2016

Date :08/08/2016