



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15082 of 2016

UMAPATHY

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 280 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.GOPINATH Advocate

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

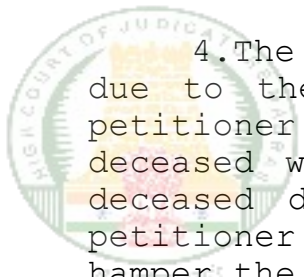
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 26.06.2016 for the alleged offence punishable under Section 302 IPC, in Crime No.280 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner is the brother of the de facto complainant. The deceased is the husband of the de facto complainant. The deceased is a school teacher by profession and he married one Ramya, who was a student in the year 2011, deserting the de facto complainant. Due to that, the de facto complainant is living separately. Six months prior to the incident, the deceased gave a complaint against the petitioner with regard to construction of a residential house in a poromboke land. Due to that motive, on 25.06.2016, at about 09.30 p.m., the petitioner attacked the deceased with an aruval and caused injuries and the deceased died on the spot. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. Due to construction of house, a wordy quarrel arose and due to that the deceased only attacked the petitioner. The petitioner is in judicial custody from 26.06.2016.



4.The learned Government Advocate (Crl. side) submitted that due to the fact that the deceased gave a complaint against the petitioner and his family members, the petitioner attacked the deceased with an aruval and caused injuries and due to that the deceased died. Investigation is in preliminary stage. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 26.06.2016, 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, Paramakudi.
- (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/-
22/08/2016

/ TRUE COPY /

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



SMN

TO

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE, PARAMAKUDI TOWN POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

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

5 THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM

+1. CC to M/S S.GOPINATH Advocate SR.No.46220

GJM/GSV/PM/SAR-I-22.8.16-3P-7C

ORDER

IN

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Date :22/08/2016