



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

Friday, the Twenty First day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20266 of 2016

1 M.RAMAR
2 R.ARUMUGAM,
3 A.SANGILIMURUGAN
4 T.MUTHUMUNIANDI

..PETITIONERS/ACCUSED 1 to 4

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
V.CHATHRAPATTI POLICE STATION.
IN CRIME NO.26/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SHEIK ABDULLAH Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners / A1 to A4, who were arrested on 29.09.2016 for the offences punishable under Section 304 IPC in Crime No.26 of 2016 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 28.09.2016, while taking water in a common pipe, a dispute arose between the petitioners and the deceased and the petitioners dashed a tricycle on the private part of the deceased and hence, the deceased fell down and got fits and died in the hospital.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 23.09.2016 onwards.

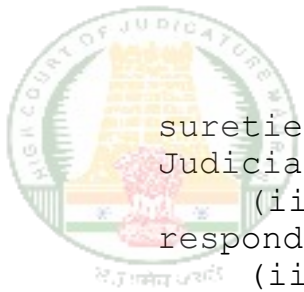
4.Heard the learned Government Advocate(Crl. Side) on the above submission.

5.In the postmortem certificate it is clearly stated as "nil marks of violence or injuries are noted on the body" and "reserved pending chemical examiner's report", however, it is a matter of trial.

6.Considering the facts and circumstances of the case and also taking note of the postmortem report, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

<https://hcservices.ecourts.gov.in/hcservices/>

(1) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two



sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Peraiyur;

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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]**.

sd/-

21/10/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, PERAIYUR, MADURAI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE, V.CHATHRAPATTI POLICE STATION, MADURAI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.M.SHEIK ABDULLAH Advocate SR.No.62481

ORDER IN

CRL OP(MD) No.20266 of 2016

Date : 21/10/2016

PBK/DB/SAR-III 24/10/2016 :: 2P-7C: