



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

Monday, the Twenty Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14051 of 2017

SAKTHIVEL

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.235 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.BHARATHI Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

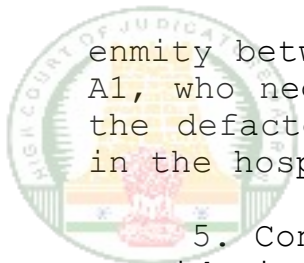
ORDER : The Court Made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 22.09.2017 for the alleged offences punishable under Section 304(A) of IPC., and altered into Section 304(2) of IPC., in Crime No.235 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has an old house, which is in a dilapidated condition, near the defacto complainant's house. When the petitioner engaged A1 for demolishing his old house with JCB machine, during the process of demolishing, the wall was collapsed and fell down on the father of the defacto complainant and immediately he was taken to hospital. In the hospital, he was declared dead. On complaint, case has been registered for the above said offences.

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. He is the owner of the property and he only engaged A1 to demolish his old house.

4. When the matter was taken up for hearing on 20.10.2017, in order to verify whether the petitioner has previous enmity with the defacto complainant, the case was adjourned to today. Today, the learned Government Advocate (Criminal side) appearing for the respondent, on instructions, submitted that there is no previous



enmity between the petitioner and the defacto complainant and it is A1, who negligently demolished the old house, thereby the father of the defacto complainant sustained fatal injuries and reported dead in the hospital.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that the injured has already been discharged from the hospital, I am inclined to grant bail to the petitioner 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai;
- (ii) the petitioner shall report before the investigation officer, daily between 10.00 a.m. to 11.00 a.m., for a period of two weeks;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the petition for bail stands dismissed.

sd/-
23/10/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE, PERAVURANI POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.BHARATHI Advocate SR.No.32952

ORDER IN
CRL OP(MD) No.14051 of 2017
Date :23/10/2017