



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

Monday, the Thirtieth day of October Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14583 of 2017

DINESH

... PETITIONER / ACCUSED NO.1

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.DEENADHAYALAN Advocate

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

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

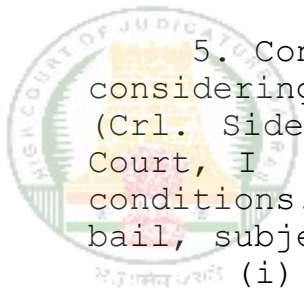
ORDER : The Court Made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 21.09.2017 for the alleged offence punishable under 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 A2 in this case has a house near the defacto complainant's house, which is in a dilapidated condition and the petitioner/A1 was engaged by A2 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 against the petitioner as well as the owner of the house.

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 further submitted that after demolition of the said house, the defacto complainant's father entered into the demolished house and attempted to take demolished pillars and at that time, demolished portion fell down on him. He has been falsely implicated in this case.

4. 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 the co-accused/A2 was released on bail by this Court in Crl.O.P. (MD) NO.14051 of 2017, by order, dated 23.10.2017.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that the co-accused was already granted bail by this Court, 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 four 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 learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-
30/10/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, PATTUKKOTTAI.
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.S.DEENADHAYALAN Advocate SR.No.33394

ORDER IN
CRL OP(MD) No.14583 of 2017
Date :30/10/2017