



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

Thursday, the Second day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.14818 of 2017

SIVALINGAM

... PETITIONER/ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.468/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.K.ANABARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused who was arrested and remanded to judicial custody on 09.09.2017 by the respondent police for the offences punishable under Sections 294(b) and 302 of I.P.C., in Crime No.468 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the own brother of the deceased. On 09.09.2017, without getting prior permission from the petitioner, the deceased tried to erect rock slab in front of his house. Therefore, the petitioner attacked the deceased and thereby, the defacto complainant sustained fatal injuries. Thereafter, the deceased was taken to the hospital and he was declared dead by the doctor. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offences as alleged by the prosecution. He further submitted that in fact the occurrence took place due to sudden provocation and there is no previous enmity or intention against the deceased. Hence, he prays for bail.

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

4.The learned Government Advocate (Criminal side) appearing for



the State submitted that investigation is almost over and the respondent police is awaiting Post Mortem Report and Viscera Report for the purpose of filing charge sheet. Further, the learned Government Advocate (Criminal Side) did not dispute the factual aspects made by the learned counsel of the petitioner.

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5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), I am inclined to grant bail to the petitioner. 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, Aranthangi;

(ii) the petitioner shall report before the respondent police, daily at 10.30 a.m., and 05.30 p.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) 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 petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-

02/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARANTHANGI
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER IN CHARGE
DISTRICT PRISON, PUDUKKOTTAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.33747

ORDER IN

CRL OP(MD) No.14818 of 2017

Date :02/11/2017