



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

Friday, the Tenth day of November Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15153 of 2017

KALI @ KALIDOSS

... PETITIONER / ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
OOMATCHI KULAM POLICE STATION,
MADURAI.
CRIME NO. 148/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M.A.JINNAH, Advocate

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

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

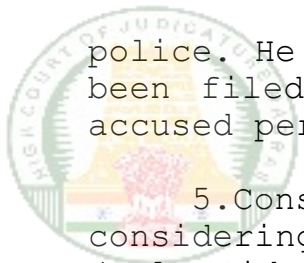
ORDER : The Court Made the following order :-

The petitioner/Accused No.7 was arrested and remanded to judicial custody on 29.09.2017 by the respondent police for the offence punishable under Sections 341, 324, 307 I.P.C., @ 341, 302 I.P.C., @ 109, 120(b), 147, 148, 341, 624, 307 & 302 I.P.C., in Crime No.148 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.06.2016, the deceased person, namely, Somasundaram lodged a complaint against the accused person stating that he was working as the Manager in the Petrol Bunk which situates at opposite to the District Court, Madurai, when he drove his motor bike towards Oomatchikulam to Alanganallur and proceeded near Thavasiputhur, an auto rickshaw which was driven from his back side and dashed with the deceased bike at twice, thereby, he lost his control and fell down on the road side. At that time three unidentified persons got down from the auto rickshaw and attacked the deceased person with wooden log and thereby sustained injuries and admitted in the hospital. Immediately, he gave a complaint before the respondent police against the accused persons, thereafter he died in the hospital.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the respondent police has falsely implicated the case against the petitioner herein.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the petitioner herein is arrayed as accused no.7 and he has no previous case is pending before the respondent



police. He further submitted that in this case, the charge sheet has been filed and investigation has also been completed. The other accused persons were already released on bail.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that the charge sheet has been filed and investigation has also been completed, 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 No.V, Madurai.;
- (ii) the petitioner shall report before the concerned Court, daily at 10.30 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) 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/-
10/11/2017

/ TRUE COPY /

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

TO

- 1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
- 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4. THE INSPECTOR OF POLICE,
OOMATCHI KULAM POLICE STATION, MADURAI.
- 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.34191

ORDER IN
CRL OP (MD) No.15153 of 2017
Date : 10/11/2017