



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

Monday, the Twentieth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15822 of 2017

1 MANIKANDAN
2 BASKARAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT,
CRIME NO.252/2017

... RESPONDENT / COMPLAINANT

For Petitioners : MR.GOPALAKRISHNA LAKSHMANA RAJU Senior Counsel for
M/S.S.G.L.RISHWANTH Advocate

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

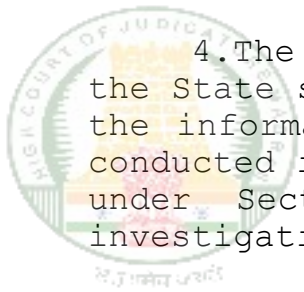
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 20.10.2017 for the alleged offences punishable under Section 304 of IPC., in Crime No.252 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 20.10.2017, one Magudeeswaran had called the deceased person over his cellphone. After that, the deceased person meet him and at that time, a group assembled and attacked the victim and thereafter, the victim died in the hospital. Thereafter, the mother of the deceased gave a complaint before the respondent police. Based on the complaint only, one Magudeeswaran appeared in the F.I.R. Thereafter, alteration report was filed and these petitioners were implicated as accused under Section 304 of I.P.C. Against which, the present bail application is filed.

3. The learned senior counsel appearing for the petitioners submitted that the name of the petitioners are not appeared in the F.I.R. Even alteration report, there is no specific overt act against the accused persons. As per the alteration report, there was a group of accused persons attacked the victim, thereby, he died in the hospital. On perusal of the report, there is no specific overt act against the petitioners. Accordingly, they pray for bail.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that initially the case was registered based on the information given by the deceased father. Subsequently, after conducted investigation, the Law Enforcing Agency converted the case under Section 304 of I.P.C. He would further submit that investigation is almost completed.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), that there is no specific overt act in the alteration report and also considering the balance of convenience, I am inclined to grant bail to the petitioners in order to maintain the communal harmony, it is necessary to impose certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

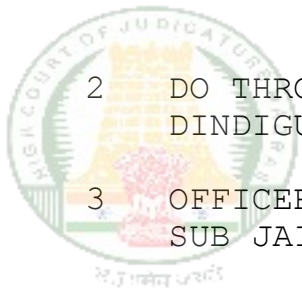
- (i) the petitioners shall execute a bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul;
- (ii) the petitioners shall report before the Marthandam Police Station, Kanyakumari District, daily at 10.30 a.m, until further orders. If the petitioners fail to appear before the Marthandam Police Station, Kanyakumari District, daily at 10.30 a.m, liberty granted to the police to approach this Court by way of filing a petition for cancellation of Bail;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners 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/-
20/11/2017

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 OFFICER IN CHARGE,
SUB JAIL, DINDIGUL.

4 THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION, DINDIGUL DISTRICT.

5 THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.G.L.RISHWANTH Advocate SR.No.34701

ORDER

IN

CRL OP(MD) No.15822 of 2017

Date :20/11/2017

MKV-PM-PN-SAR 2/20.11.2017/3P-8C