



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

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16645 of 2017

V.NAVEENRAJ

... PETITIONER/ACCUSED No.A2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.528 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MAHENDRAN Advocate

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

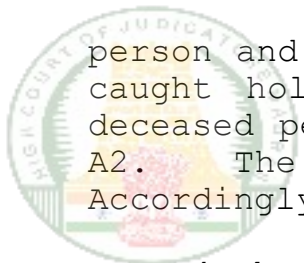
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 21.10.2017 for the alleged offences punishable under Sections 341, 323, 307 & 302 of IPC., in Crime No.528 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.10.2017, the defacto complainant was taking bath in the public drinking water tank. On 18.10.2017, the said act was questioned by the petitioner and other accused persons with the defacto complainant. However, the deceased person regretted for taking bath to the defacto complainant in the public tank. Despite, there was a wordy quarrel arose between the petitioner and accused persons with the defacto complainant and his brother, at that time, the petitioner and other accused person attacked the defacto complainant and his brother. The petitioner is arrayed as A2. He, caught hold the deceased person and the accused No.1 attacked the deceased person with broken beer bottle, thereby he sustained fatal neck injuries and he was brought to the hospital. However, he was declared as dead. Hence the defacto complainant lodged a complainant against the accused persons and the case was registered by the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The petitioner was available only in order to advice the deceased



person and the defacto complainant. The other accused persons only caught hold the deceased person to facilitate A1 to attack the deceased person. Except this act, no other attack was made by the A2. The petitioner is in judicial custody nearly 52 days. Accordingly, he prayed for bail.

4. The learned Government Advocate (Crl. side) would submit that the specific overt act against the petitioner is that, the petitioner and other accused person caught hold the deceased, thereby A1 attacked the deceased person with broken beer bottle. However, he further submitted that the investigation is almost completed and respondent only waiting for viscera report. Except the overt act that the petitioner caught hold the deceased person no other allegation is attributed against the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission of the learned Government Advocate (Crl. Side), 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, Melur;
- (ii) the petitioner shall report before the investigation officer, daily twice at 10.00 a.m., and 5.00 p.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make herself 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 petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-
11/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION, MADURAI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.K.MAHENDRAN Advocate SR.No.35993

ORDER

IN

CRL OP(MD) No.16645 of 2017

Date :11/12/2017

PK/CM-VR/SAR-3/11.12.2017 : 3P/7C