



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

Friday, the Fifteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17125 of 2017

YEESAK

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY CITY.
(IN CR.NO.620 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.RAHUL Advocate

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

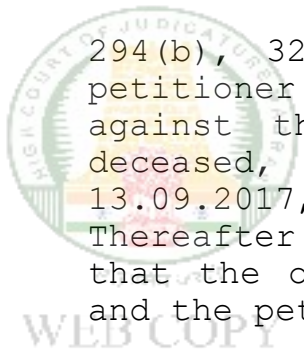
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 20.09.2017 for the alleged offences punishable under Sections 342, 294(b), 323, 307 and 302 of IPC., in Crime No.620 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.09.2017, on suspicion that the deceased had stolen the cell phone and a purse from the petitioner, the petitioner and his son along with two other accused persons came to the defacto complainant's house and assaulted the deceased, who is the defacto complainant's husband, in front of her and he sustained fatal injuries. At that time, the defacto complainant asked them to leave her husband. Instead, the accused persons took him to their custody and attacked him brutally. Thereafter, the defacto complainant/wife of the deceased received an information that her husband was admitted in the ICU ward at Government Hospital. Subsequently, on 18.09.2017, her husband died at the hospital. Thereafter, she lodged a complaint before the respondent police and based on her complaint, initially, a case has been registered for the offence under Section 307 IPC, thereafter, after the death of the deceased, it was altered in to Sections 342, 294(b), 323, 307 and 302 of IPC.

3. The learned counsel for the petitioner submitted that initially the case was registered under Section 307 IPC., and after the death of the deceased the same was altered into Sections 342,



294(b), 323, 307 and 302 of IPC. He further submitted that the petitioner is an innocent person and there is no specific allegation against the petitioner and the petitioner only questioned the deceased, whether he had stolen the purse or the cell phone on 13.09.2017, then there was a wordy quarrel arose between them. Thereafter he left the place and after he died. He further submitted that the other accused persons were arrested and released on bail and the petitioner is in incarceration for the past 85 days.

4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that this Court dismissed the bail application filed by the petitioner on 15.11.2017. However, investigation is almost completed and they are waiting for Viscera report.

5. Considering the change of circumstances and considering the period of incarceration in jail and also considering the fact that till date the Law Enforcing Agency had not taken any steps to file charge sheet, 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 No.IV, Tiruchirappalli;
- (ii) the petitioner shall report before the investigation officer, daily twice 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 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 petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-
15/12/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV, TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION, TRICHY CITY.

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

+1. CC to M/S.A.RAHUL Advocate SR.No.36355

ORDER

IN

CRL OP(MD) No.17125 of 2017

Date :15/12/2017

MKV-CM-VR-SAR 1/15.12.2017/3P-7C