



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.17177 of 2017

KARTHICK

... PETITIONER/ ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KEELAVALAVOO POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 528/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MP AMALAN, Advocate

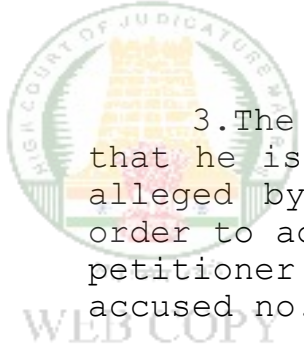
For Respondent : M/S.M.MURUGAN, Government Advocate (Crl.Side) for
M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 20.10.2017, for the offences punishable under Sections 341,323,307 & 302 I.P.C., 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/A3 and other accused persons to the defacto complainant. However, the deceased person regretted for taking bath in the public tank, there was a wordy quarrel arose between the petitioner and other accused persons with the defacto complainant and his brother, at that time, the petitioner and other accused persons attacked the defacto complainant and his brother. The petitioner is arrayed as A3. 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 complaint against the accused persons and the case was registered by the respondent police.



3.The learned counsel appearing for the petitioner would submit that he is an innocent person and he did not commit any offence as alleged by the prosecution. The petitioner was available only in order to advise the deceased person and the defacto complainant. The petitioner is in Judicial Custody from 20.10.2017 onwards and the accused no.2 was already granted bail by this Court.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the above said facts. Accused no.2 already granted bail by this Court and investigation is almost over.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), this Court is inclined to grant bail to the petitioner. The petitioner is ordered to be released on bail, subject to the following certain conditions.

6.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;

(i)the petitioner shall report before the respondent police, daily twice at 10.00 a.m., and 5.00 p.m until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond 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/-
13/12/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.

4. THE INSPECTOR OF POLICE,
KEELAVALAVOO POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.S.MP AMALAN Advocate SR.No.36096

ORDER

IN

CRL OP (MD) No.17177 of 2017

Date :13/12/2017

MS/CM-VR/SAR.2/13.12.2017/3P.7C