



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

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17683 of 2017

V.RAJAPANDI

... PETITIONER / ACCUSED NO.A1

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.MAHENDRAN Advocate

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

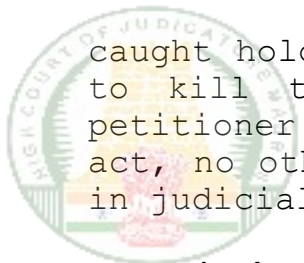
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 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 took bath in the public drinking water tank. On 18.10.2017, when the same was questioned by the petitioner and other accused persons , the defacto complainant and the deceased person regretted for taking bath in the public tank. Despite the same, there was a wordy quarrel arose between the accused persons and the defacto complainant and the deceased, at that time, the petitioner and other accused persons attacked the defacto complainant and his brother. A3 and A4 caught hold the deceased person and the petitioner attacked the deceased person with broken beer bottle, thereby he succumbed injuries and taken to the hospital and there he was declared dead. Hence the defacto complainant lodged a complainant against the accused persons and based on the complaint, the case was registered by the respondent police for the above said offences.

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 and the petitioner has no intention to kill the deceased person. Due to sudden provocation, the petitioner attacked the deceased using broken bottle, except this act, no other attack was made by the petitioner. The petitioner is in judicial custody for 62 days. Hence, he prays for bail.

4. The learned Government Advocate (Crl. side) would submit that the specific overt act against the petitioner is that when the other accused persons caught hold the deceased, thereby the petitioner attacked the deceased person with broken beer bottle. However, he further submitted that the investigation is almost completed and the respondent is waiting for viscera report. The other accused persons were already released on bail by this Court.

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.

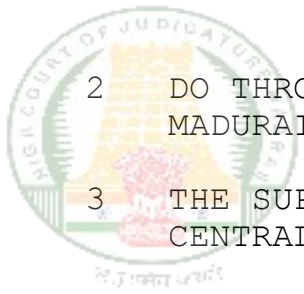
sd/-

22/12/2017

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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

+1. CC to M/S.K.MAHENDRAN Advocate SR.No.36855

ORDER

IN

CRL OP (MD) No.17683 of 2017

Date :22/12/2017

MKV-RM-SAR 1/22.12.2017/3P-7C