



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

Thursday, the Twenty Third day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.3396 of 2017

KUMAR REISHING

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI.

(CRIME NO.190 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.N.SHANMUGASELVAM Advocate

For Respondent :M/S K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused no.1 was arrested and remanded to judicial custody on 22.02.2017 for the alleged offences punishable under Sections 287 r/w. 304 of IPC in Crime No.190 of 2017, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that while the petitioner was operating the Crane in the bore well belong to A2, due to the negligence of the petitioner, a iron bucket weighing 15 kg fell on the head of the deceased who was working inside the bore well and he was succumbed to the injuries. On complaint, a case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that co-accused has already enlarged on bail by the learned Principal Sessions Judge, Madurai on 01.03.2017 in Crl.M.P.No.1263 of 2017.

4. The learned Government Advocate (Crl.side) submitted that the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been enlarged



on bail by the learned Principal Sessions Judge, Madurai on 01.03.2017 in CrI.M.P.No.1263 of 2017, this Court is inclined to enlarge the petitioner on bail, subject to the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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 as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
23/03/2017

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, MELUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4.THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI.

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

+1. CC to M/S.N.SHANMUGA SUNDARAM Advocate SR.No.17118

ORDER IN

CRL OP(MD) No.3396 of 2017

Date :23/03/2017