



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

Thursday, the Fifteenth day of June Two Thousand Seventeen

PRESENT

The Hon'ble Dr. Justice G. JAYACHANDRAN

CRL OP (MD) No.7230 of 2017

VENUGOPAL

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THILAGAR THIDAL POLICE STATION,
MADURAI DISTRICT
(CRIME NO.514 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.POORNA CHANDRAN Advocate

For Respondent : MR.C.RAMESH Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 13.05.2017, for the alleged offences punishable under Sections 294(b) & 307 IPC which then altered to Sections 294 (b), 323 & 302 IPC in Crime No.514 of 2017, on the file of the respondent/Police, seeks bail.

2.Heard Mr.C.Poorna Chandran, learned counsel appearing for the petitioner/accused and Mr.C.Ramesh, learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that due to sudden quarrel between the neighbors which arose due to dumping of waste in front of the accused house, one Mr.Kannan, aged about 70 years was pushed down by the petitioner/accused. Due to fall, the said Kannan has sustained hip fracture and internal injury. After being admitted in the hospital as Inpatient, he succumb to the injury, on 13.05.2017. When the petitioner moved bail application on the earlier occasion, this Court dismissed the petition, since the postmortem report was awaited at that point of time.

4.The learned Additional Public Prosecutor submitted that postmortem report was received and there was no suspicious injury found on the body, except injury sustained due to fall. However viscera report is awaited to rule out any foul game.



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5. Considering the nature of crime, the circumstances in which this incident occurred and the stage of investigation, this Court is inclined to grant bail to the petitioner. 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.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai.
- (ii) the petitioner shall report before the Investigation Officer, daily at 10.30 a.m., 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]**.

sd/-

15/06/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THILAGAR THIDAL POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1. CC to M/S.S.POORNA CHANDRAN Advocate SR.No.24252

ORDER IN

CRL OP(MD) No.7230 of 2017

Date :15/06/2017