



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

Friday, the Fourteenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.8929 of 2017

GAJENDRAN

... PETITIONER / 3rd ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.144/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.ANANDAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

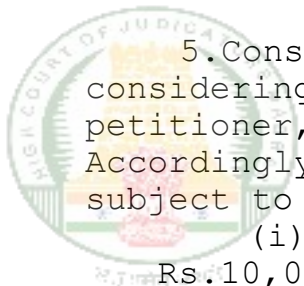
ORDER : The Court Made the following order :-

The petitioner / A3, who was arrested on 25.06.2017 for the offences punishable under Section 174(3) Cr.P.C. @ 304(ii) IPC in Crime No.144 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased namely, Rajendran was found dead in the backyard of his house and that the VAO lodged a complaint and the same was registered initially under Section 174(3) Cr.P.C in Crime No.144 of 2017 and thereafter, it was altered into 304(ii) IPC.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the deceased, who was in a drunken mood, was tied by a rope in a coconut tree and due to which, he became unconscious and thereafter, he died. He also submitted that the petitioner is no way connected with the said crime as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that the petitioner is the sole accused and the deceased used to consume liquor by committing theft from the villagers and that the petitioner, who is a nephew to the petitioner, has tied the deceased in a coconut tree and thereby, the deceased became unconscious due to sunlight and subsequently, he died. He also submitted that investigation is pending.



5. Considering the facts and circumstances of the case and considering the nature of allegations levelled against the petitioner, 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 Judicial Magistrate, Pattukkottai.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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/-

14/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 OFFICER IN CHARGE, SUB JAIL, PATTUKKOTTAI.
- 4 THE INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.ANANDAN Advocate SR.No.26573

ORDER

IN

CRL OP(MD) No.8929 of 2017

Date :14/07/2017