



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

Friday, the Twenty First day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9438 of 2017

RAVINDRAN

... PETITIONER / ACCUSED NO.6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT
CR NO. 195/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.CHRISTOPHER Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

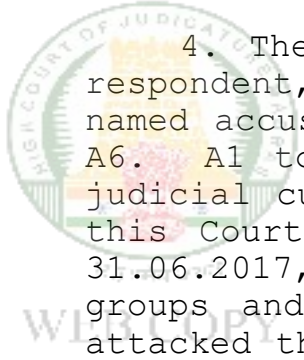
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.06.2017, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC., and Sections 307 and 302 of IPC, in Crime No.195 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.06.2017, during 'Kodai Festival' there was a dispute between two groups and the petitioner along with other accused said to have attacked the defacto complainant, who is Poojari and also two other persons. The injured persons viz., Raja, Mukesh Kannan and Isakkiappan were admitted in the Hospital, for taking treatment and the said Raja died in the hospital on 01.06.2017. The specific overt act attributed against the petitioner is that he said to have attacked with bricks along with other accused upon the witnesses viz., Kannan and Isakkiappan.

3. The learned counsel appearing for the petitioner states that the present case has been registered by the respondent Police in order to detain the petitioner under the Goondas Act. The respondent Police registered the present case and also another case in Crime No.196 of 2017, for the occurrence took place on the same date on 31.05.2017 and it was reported on 01.06.2017. He also submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 12 named accused in this case and the petitioner herein is arrayed as A6. A1 to A11 were arrested and A12 surrendered and remanded to judicial custody. A3, A4, A7, A8, A10 to A12 were granted bail by this Court on different dates. He would further submit that on 31.06.2017, during 'Kodai Festival' there was a dispute between two groups and the petitioner along with other accused said to have attacked the defacto complainant, who is Poojari and also two other persons. The injured persons viz., Raja, Mukesh Kannan and Isakkiappan were admitted in Hospital, for taking treatment and the said Raja died in the hospital on 01.06.2017. Earlier, the case was registered for the offences under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC., and after the death of the said Raja, the case was altered in one under Sections 147, 148, 294(b), 323, 324, 307, 302 and 506(ii) of IPC., and the investigation is still pending. He also submitted that the specific overt act attributed as against the petitioner is that he said to have attacked with bricks along with other accused upon the witnesses viz., Kannan and Isakkiappan and the injured were admitted in the hospital and latter discharged from the hospital. There is no previous case against the petitioner herein.

5. Considering the above facts and circumstances of the case and also the alleged overt act of the petitioner in the occurrence and the injured have been discharged from the hospital and also the release of the co-accused, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Valliyoor, and on further condition that:

[a] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders, for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

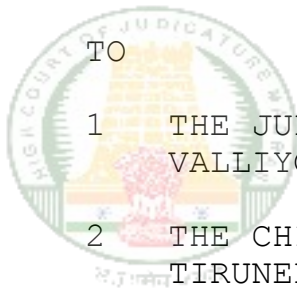
[c] the petitioner shall not abscond either during investigation or trial.

[d] 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/-

21/07/2017

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TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.C.CHRISTOPHER Advocate SR.No.27037

ORDER

IN

CRL OP(MD) No.9438 of 2017

Date :21/07/2017

MKV-PM-PN-SAR 1/21.7.2017/3P-7C