



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

Wednesday, the Second day of August Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.9680 of 2017

ALAGARSAMY

... PETITIONER/ ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO. 1016 OF 2015.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.JEYAKUMARAN Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

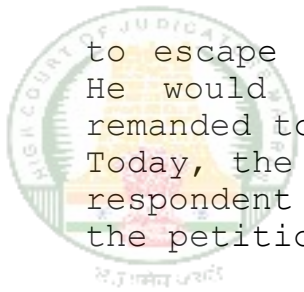
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.3 was arrested and remanded to judicial custody on 09.06.2017 for the offences punishable under Section 174 of Cr.P.C and subsequently, altered into Section 302 of IPC in Crime No.1016 of 2015 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2015 morning 8.00 am the respondent Police identified a dead body in the bottom of bridge near Cauvery river and recovered the dead body and register the FIR and thereafter, the Post Mortem was conducted and as a result of that there was several cut injuries in the body and hence, the case was altered into Section 302 of IPC.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his names has been falsely implicated in this case. He would further state that the alteration report was filed only after passing of 1 ½ years and also implicating the petitioner as per confession of A1 in this case.

4. The Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally four accused in this case and the petitioner herein is arrayed as A3. He would further state that FIR was registered under Section 174 of Cr.P.C initially on 21.08.2015 and it has been altered into Section 302 of IPC on 24.02.2017. He would further submit that as per the confession given by A1 that the petitioner has informed illegal intimacy of the deceased with the second wife of the first accused in this case and also he was present in the place of occurrence along with other accused with weapons and guarded the deceased not



to escape from the attack made by the other accused in this case. He would further state that all the accused were arrested and remanded to judicial custody and the investigation is still pending. Today, the learned Government Advocate (Crl. Side) appearing for the respondent filed counter and he has strongly objected the release of the petitioner on bail.

5. Considering the facts and circumstances of the case and also considering the fact that the alteration report was made after 1 ½ years and that the petitioner was implicated in this case as per the confession of A1 and that the alleged overt act of the petitioner herein, 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.III, Thiruchirappalli;

(ii) the petitioner is directed to appear before the respondent Police daily at 10.30 am 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/-

02/08/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, THIRUCHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THIRUCHIRAPPALLI.
3. THE SUPERINTENDENT, CENTRAL PRISON, THIRUCHIRAPPALLI.
4. THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.27843

ORDER IN

CRL OP(MD) No.9680 of 2017

Date : 02/08/2017