



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2728 of 2018

1 MARIYAPPAN
2 DINESH

... PETITIONERS / ACCUSED 2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.
(CR.NO.20/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.T.RAMESH RAJA Advocate

For Respondent : MR.K.SUYAMBULINGA BHRATHI
Govt. Advocate (Crl. Side)

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

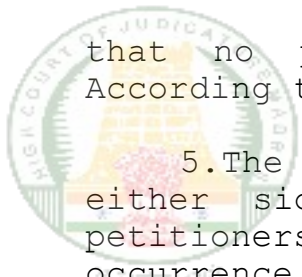
ORDER : The Court Made the following order :-

The petitioners/ A2 & A3, who were arrested and remanded to judicial custody on 19.01.2018 for the offences punishable under Sections 341, 294(b), 307 @ 302 I.P.C., in Crime No.20 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity, all the accused persons in this case waylaid the deceased namely, one Raja and assaulted him with wooden-log and stone, thereby, the said Raja sustained injury and subsequently, he was died. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. He further submitted that they have been falsely implicated in this case and they are in judicial custody from 19.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are three accused in this case. The petitioners herein are arrayed as A2 and A3. Due to previous enmity, on 18.01.2018, the petitioners herein assaulted the deceased by using the wooden log and stone, in consequence to that he was died in the hospital on 19.01.2018. He further submitted



that no previous case is pending against these petitioners. According to him, a portion of investigation is completed.

5. The submissions made by the learned counsel appearing on either side are considered. Admittedly, the deceased and the petitioners are neighbours. Two days prior to the alleged occurrence, the first accused in this case has lodged a complaint against the deceased for the assault committed by the defacto complainant. Thereby, after two days, the petitioners herein and the first accused had assaulted the deceased by using the wooden-log and stone. After registration of the case, the petitioners are in judicial custody from 19.01.2018 to till date. According to prosecution, a portion of investigation is completed. Therefore, considering the period of incarceration of the petitioners, further custodial interrogation of the petitioners may not be necessary for completing the investigation.

6. Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kulithalai.

(ii) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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/-
01/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

4 THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION, KARUR DISTRICT.

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

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.3285

ORDER

IN

CRL OP(MD) No.2728 of 2018

Date :01/03/2018

MKV-PM-PN-SAR 2/1.3.2018/3P-7C