



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3119 of 2018

MANIKANDAN @ MANI

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.24 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.D.S.HAROON RASHEED Advocate

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

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

ORDER : The Court Made the following order :-

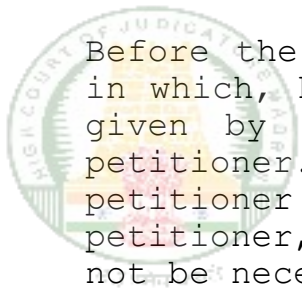
The petitioner / A3 was arrested and remanded to judicial custody on 25.01.2018 for the offence punishable under Section 306 of I.P.C., in Crime No.24 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and other two accused are said to have abused the deceased, by saying "to go and die" and also assaulted him on cheeks, thereby, the deceased committed suicide by pouring kerosene. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 25.01.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation of the case is pending.

5.The submissions made by the learned counsel appearing on either side are considered. The petitioner is in judicial custody from 25.01.2018 onwards. It is alleged, during the time of occurrence, the petitioner herein and other accused have abused the deceased by saying to go and die and also assaulted him on cheeks. Thereby, the deceased, committed suicide by pouring kerosene.



Before the death, the deceased gave a statement before the Police, in which, he mentioned the entire incident. Based on the statement given by the deceased, a case has been registered against the petitioner. Considering the nature of offence committed by the petitioner and also considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6. Considering the above facts and circumstances, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyar.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 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/-

28/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.S.HAROON RASHEED Advocate SR.No.3218

ORDER IN
CRL OP(MD) No.3119 of 2018
Date :28/02/2018