



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

Wednesday, the Tenth day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.333 of 2018

AMJATH KHAN (MAYAN)

... PETITIONER /1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.520 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.RAMU, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

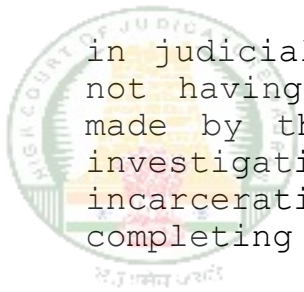
The petitioner /A1, who was arrested on 19.10.2017 for the offences punishable under Sections 109, 120(B), 294(b) and 302 I.P.C., in Crime No.502 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.10.2017, the father of the petitioner, who was running a Tea Shop in Keelanatchikulam, Vadipatti Taluk, Madurai, scolded the children of the Village, who were playing in front of his shop. When the same was questioned by the deceased, all the accused went to the cattle shed of the deceased and on the instigation of A4, A2 and A3 caught hold of the deceased and the petitioner/A1 laid a big stone on his head and caused death of the deceased.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence. He further submitted that Accused No.4 has already been released on bail by the learned Principal Sessions Judge, Madurai, in Cr.M.P.No.6717 of 2017, dated 21.12.2017. Due to previous enmity, the petitioner is falsely implicated in this case and he is not having any previous case. Accordingly, he prays for bail in favour of the petitioner.

4.The learned Government Advocate (Criminal side) submitted that part of the investigation is completed and no previous case is pending against the petitioner/A1.

5.Considering the submissions made on either side, it seems that a case has been registered against the petitioner for the offences under Sections 109, 120(B), 294(b) and 302 I.P.C. and he is



in judicial custody from 19.10.2017. Admittedly, the petitioner is not having any previous case and also considering the submission made by the learned Government Advocate (Crl.side), part of the investigation is completed and also considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation in this case.

6. Considering the gravity of offence committed by 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti.

(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/-
10/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION, MADURAI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.RAMU Advocate SR.No.479

ORDER IN
CRL OP (MD) No.333 of 2018
Date : 10/01/2018