



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3870 of 2018

PITCHAIAH

... PETITIONER/ACCUSED-1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NORTH POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO.37 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.MUTHUMALAIRAJA, Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

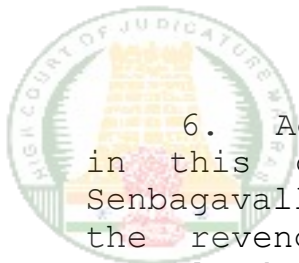
The petitioner, who is arrayed as accused No.1, was arrested and remanded to judicial custody on 17.01.2018 for the offences punishable under Sections 294(b), 302 and 506(ii) IPC in Crime No.37 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner and other accused are said to have assaulted the deceased with deadly weapons and committed the offence of murder. Thus, on complaint, a case has been registered against the petitioner 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 17.01.2018.

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

5.The submissions made by the learned counsel appearing on either side are considered.



6. Admittedly, prior to the alleged occurrence, the deceased in this case assaulted the relative of the petitioner viz., Senbagavalli and committed the offence of murder. In order to take the revenge, the petitioner and other accused in this case, assaulted the deceased and committed the offence of murder. The learned Government Advocate (Crl. Side) fairly conceded that the petitioner is a first offender. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that the further detention is not necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. 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 No.III, Thoothukudi;

(ii) the petitioner shall stay at Dharamapuri and report before the Inspector of Police, Town Police Station, Dharmapuri, 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/-

21/03/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.3
THOOTHUKUDI

2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE SUPERINTENDENT
<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL PRISON,
PALAYAMKOTTAI



4 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

5 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, DHARMAPURI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.MUTHUMALAIRAJA Advocate SR.No.4470

ORDER

IN

CRL OP(MD) No.3870 of 2018

Date :21/03/2018

trp

SH/PN/SAR-4:21.03.2018:3p/8c