



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.426 of 2018

WEB COPY

RAMU

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
APPANTHIRUPPATHI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.286/2017)

... RESPONDENT / COMPLAINANT

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

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

ORDER : The Court Made the following order :-

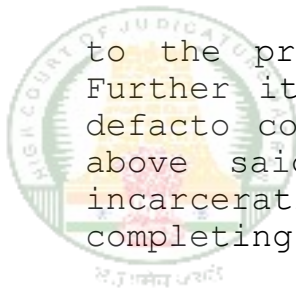
The petitioner /A2, who was arrested on 07.11.2017 for the offences punishable under Sections 294(b), 342, 506(i) and 302 I.P.C., in Crime No.286 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to the family dispute, on 05.11.2017, the first accused used filthy language and assaulted the one alagupponnu, who is the wife of the second petitioner. Thereafter, mother-in-law of the second petitioner came to the house of the petitioner and intervened the occurrence, at that time, the first accused took the "Vankaruval" and stabbed the deceased. The deceased was taken to the Government Rajaji Hospital, Madurai and died on the way. Hence, the defacto complainant gave a complaint before the respondent police as against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence. He further submitted that he is not having any previous case. Accordingly, he prays for bail.

4.The learned Government Advocate (Crl.Side) submitted that due to the family dispute, A1 and A2 committed murder. He further submitted that there is no previous case against this accused and investigation is at premature stage.

5.Considering the submissions made on either side, it seems that the offences under Sections 294(b), 342, 506(i) and 302 I.P.C., in Crime No.286 of 2017, has been registered against the petitioner. He is in judicial custody from 07.11.2017. According



to the prosecution, part of the investigation is completed. Further it is alleged that there was a family dispute between the defacto complainant and the petitioner. As of now, considering the above said aspects and particularly considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation.

6. Apart from that the petitioner is having permanent residence in the petition mentioned address. So, for the reasons stated above, 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 No.V, Madurai.

(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 NO.V, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
APPANTHIRUPPATHI POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.THIRUPATHY Advocate SR.No.517

ORDER IN
CRL OP(MD) No.426 of 2018
Date :10/01/2018