



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4372 of 2018

GOPI

... PETITIONER/SOLE ACCUSED

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE
THERMAL NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT,
CR.NO. 02/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MOORTHY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 08.01.2018 for the alleged offences punishable under Sections 294(b), 324 and 302 of IPC., in Crime No.2 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased and the petitioner belongs to Thanjavur. They came to Thoothukudi for construction work and staying in the same place. At that time, on 05.01.2018, the deceased's money was stolen by somebody, when the same was questioned by the deceased, the petitioner got irritated and thereafter, in a drunken mood, the petitioner assaulted the deceased by using Ladle, which is used for cooking (Sarani karandi) and committed murder. Hence, the case has been registered against the petitioner for the above said crime.

3.The learned counsel representing the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. The petitioner is in judicial custody from 08.01.2018. It is alleged that during the time of occurrence, the petitioner after consuming liquor, made quarrel with the deceased. Ultimately, the petitioner assaulted the deceased by using Ladle (Sarani Karandi). According to the prosecution, a portion of the investigation is completed. Moreover, the petitioner is in the judicial custody for the past 72 days. Admittedly, the petitioner is the first offender. Thereby, considering the above facts and circumstances, this Court came to the conclusion that custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with some 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.II, Thoothukudi District;

(ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;

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

(iv) the petitioner shall not commit any offence while on bail;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and the learned 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/-
20/03/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
THERMAL NAGAR POLICE STATION, THOOTHUKUDI DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI

+1. CC to M/S.S.MOORTHY Advocate SR.No.4382

GJM/PN/SAR-2-20.3.18-3P-7C

ORDER

IN

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Date :20/03/2018