



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

Wednesday, the Twenty First day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4436 of 2018

B.TAMILARASAN

... PETITIONER / ACCUSED No.8

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
NAGAMALAI PUDHUKOTTAI POLICE STATION,
MADURAI DISTRICT (IN CRIME NO.35/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.KATHIRAVAN 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, who is arrayed as accused, was arrested and remanded to judicial custody on 19.01.2018 for the offences punishable under Sections 147, 148, 294(b), 323, 452 and 302 IPC in Crime No.35 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous motive, the petitioner and other accused unlawfully entered into the house of the defacto complainant and assaulted the deceased with knife 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 19.01.2018.

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. It is alleged, on 14.01.2018, due to the dispute between the first accused and the deceased, the petitioner and other accused unlawfully entered into the house of the defacto complainant and assaulted the deceased with knife and the committed the offence of murder. The petitioner is aged about 24 years and he is a first offender. The petitioner is in judicial custody from 19.01.2018. Even though the offence committed by the petitioner is heinous one, considering the fact that the petitioner is a first offender and that he is in judicial custody from 19.01.2018, 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.VI, Madurai District;

(ii) the petitioner shall 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/-
21/03/2018

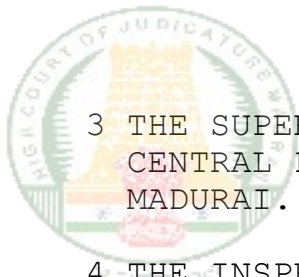
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI DISTRICT.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE INSPECTOR OF POLICE,
NAGAMALAI PUDHUKOTTAI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.C.KATHIRAVAN Advocate SR.No.4468.

ORDER
IN
CRL OP(MD) No.4436 of 2018
Date :21/03/2018

SDS/PN/SAR.4/21.03.2018/3P/7C