



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

Monday, the Twenty Sixth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4720 of 2018

K.DEEPAN

... PETITIONER / ACCUSED NO.4

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.S.MOHAMED MOHIDEEN Advocate

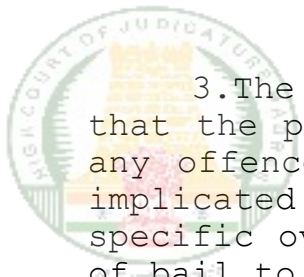
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 18.01.2018 for the alleged 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 on 14.01.2018, at about 2.00 p.m. the first accused parked his two wheeler in the middle of the road, at that time, the deceased questioned the same, due to which a wordy quarrel arose between them, as a result of which the deceased slapped the first accused. Due to the said enmity, on the same day, at about 05.00 p.m., while the deceased was in his sister Punitha's house, the first accused along with other accused went in search of the deceased, at that time, the defacto complainant quarrelled with the accused persons. On hearing the noise, the deceased came out of the house, suddenly A1 dragged the deceased and at the instigation of A2, A1 stabbed on the chest of the deceased by using knife and the other two accused hold the deceased and thereby caused the death of the deceased, Karthick. Hence, the case has been registered against the petitioner and other accused persons 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. He further submitted that there is no specific overtact against the petitioner. Hence, he prays for grant of bail to the petitioner.

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4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the case was registered against 4 named accused and 4 unnamed accused. According to the prosecution, part of the investigation is completed.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused in this case, with the intention to kill the deceased went to the house of one Punitha, who is the sister of the deceased and quarrelled with the defacto complainant. On hearing the noise, the deceased came out from the house. On seeing the deceased, the accused dragged the deceased and stabbed on his chest by using knife and thereby, they caused the death of the deceased, Karthick. On going through the averments made in the FIR, the name of the petitioner is not found place. As of now, the petitioner is in judicial custody from 18.01.2018. The learned Government Advocate (Criminal side) made submission that the portion of the investigation is completed. In the above circumstances, eventhough, the offence committed by the petitioner is heinous one, considering the period of incarceration, further detention is not 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.VI, Madurai;
- (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



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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/-

26/03/2018

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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.
 - 2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE OFFICER IN CHARGE,
SUB JAIL, MELUR.
 - 4 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.T.S.MOHAMED MOHIDEEN, Advocate SR.No.4774.

ORDER

IN

CRL OP(MD) No.4720 of 2018

Date :26/03/2018

SDS/MM:PN/SAR.1/26.03.2018/3P/7C