



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

Thursday, the Fifth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.4798 of 2018

MARIAPPAN @ SUBBIAH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THATTAPARAI POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.23 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.JEGADEESWARAN Advocate

For Respondent : MR.PRABU RAMACHANDRAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

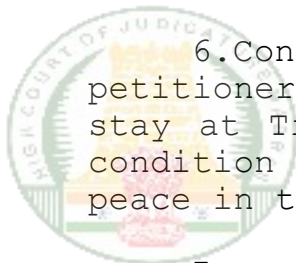
The petitioner is arrayed as the sole accused. He was arrested and remanded to judicial custody on 19.02.2018. The case against him is for the offences punishable under Sections 294(b), 307 and 302 IPC, in Crime No.23 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that due to civil dispute, the petitioner attacked the deceased with aruval and caused her death. On complaint, a case has been registered for the offences stated above.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He undertakes that he will not file any petition for relaxing the condition to be imposed by this Court in this petition.

4.The learned Government Advocate (Criminal side) submitted that now the investigation is almost over.

5.This Court went through the contents of the FIR. It is seen that there is a pathway dispute between the petitioner and his neighbour. During quarrel, the neighbour's wife intervened and she suffered two cut injuries leading to her death. It is quite obvious that the investigation in this case is now almost over.



6. Considering the nature of allegations levelled against this petitioner, the petitioner while being granted bail, is directed to stay at Tirunelveli for a full period of three months. The said condition is imposed in order to ensure that there is no breach of peace in the locality.

7. In view of the above, this Court is inclined to enlarge the petitioner on bail with certain 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi.
- (ii) The petitioner shall stay at Tirunelveli for a full period of three months.
- (iii) The petitioner shall not abscond.
- (iv) On breach of any of the aforesaid conditions, 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 learned 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/-

05/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE OFFICER IN CHARGE, SUB JAIL,
PERURRANI, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE
THATTAPARAI POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.JEGADEESWARAN Advocate SR.No.5460

ORDER

IN

CRL OP(MD) No.4798 of 2018

Date :05/04/2018