



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

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4858 of 2018

SANTHOSH KUMAR

... PETITIONER/ACCUSED No.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO. 24 OF 2018

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.D.S.HAROON RASHEED Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

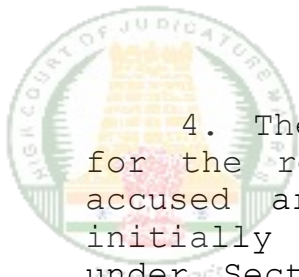
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 25.01.2018 for the alleged offence punishable under Section 306 IPC., in Crime No.24 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased was working in A1's flower shop. At that time, he received a sum of Rs.15,000/- as advance from him and the amount had been regularly deducted from his monthly salary. Thereafter, without paying the remaining amount of Rs.9000/- he quit from A1's shop and joined in some other job at Sengipatti. Due to the said money dispute, on 18.01.2018, the petitioner and other accused went to the house of the deceased and demanded the balance money and assaulted him by using hands. Thereafter, on 22.01.2018 at about 12.30 p.m, on seeing the defacto complainant, A1 slapped him by demanding the said amount, due to which the deceased poured kerosene and set fire and committed suicide. Hence, the case has been registered against the petitioner and other accused for the above said crime.

3. The learned counsel representing the petitioner submitted that the petitioner is an innocent person, 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 totally 3 accused are involved in this case. He further submitted that initially the case has been registered for the offence punishable under Section 306 IPC., and thereafter altered into Section 302 IPC., on 07.03.2018. He further added that part of the investigation is completed.

5. The submissions made by the learned counsels appearing for either side are considered. Initially the case has been registered for the offence punishable under Section 306 IPC. Thereafter, during the time of investigation, on 07.03.2018 the provision of law has been altered into Section 302 IPC. Earlier, after the registration of the case, the petitioner was arrested and remanded to judicial custody on 25.01.2018. It is alleged that during the time of occurrence, the petitioner poured kerosene and set fire. Further, due to the money dispute, the said offence was committed by the petitioner and other accused in this case. According to the prosecution, as of now, 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 may not be necessary for completing the investigation. Hence, considering the facts and other circumstances, 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, Thiruvaiyaru;

(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/-

28/03/2018

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- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.D.S.HAROON RASHEED Advocate SR.No.4968

ORDER

IN

CRL OP (MD) No.4858 of 2018

Date :28/03/2018

SMA/MM-PN/SAR-1/28.03.2018:3P/7C