



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.623 of 2018

RENGARAJ

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT
(CR.NO.233/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR 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 :-

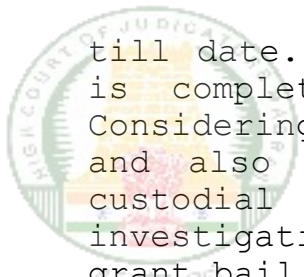
The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 24.10.2017 for the alleged offences punishable under Sections 294(b), 352, 307 @ 294(b), 352 and 302 of IPC., in Crime No.233 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.10.2017, the defacto complainant said to have purchased land from the petitioner and his family members and due to boundary dispute, the petitioner and other accused persons assaulted the defacto complainant. Subsequently, the defacto complainant was died. Hence, the present case has been registered for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Moreover, there is no specific allegation against the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner is in judicial custody from 24.10.2017 and investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioner for the offence under Sections 294(b), 352, 307 @ 294(b), 352 and 302 of IPC. The petitioner is in judicial custody from 24.10.2017 to



till date. According to the prosecution, part of the investigation is completed. Further, the petitioner is the first offender. Considering the fact that the petitioner being the first accused and also considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation in this case. Accordingly, this Court is inclined to grant bail to the petitioner. 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, Pattukottai;
- (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 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 petitioners 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/-

12/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.
- 4 THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.718

ORDER IN
CRL OP(MD) No.623 of 2018
Date :12/01/2018