



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7604 of 2018

P.SEKAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TALUK POLICE STATION,
THANJAVUR.
CRIME NO.55/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SURESH KUMAR, Advocate
For Respondent : M/S.M.ASOKAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A-2, who was arrested and remanded to judicial custody on 24.02.2018 for the alleged offences punishable under Sections 450, 294(b), 324, 506(ii), 302 of I.P.C, in Crime No.55 of 2018 on the file of the respondent police and hence, seeks bail.

2. The allegation against the petitioner is that on 24.02.2018, the petitioner and others quarrelled with the deceased and A-1 and assaulted the deceased with aruval and caused his death.

3. On the side of the petitioner, it is stated that there is no specific overt act against the petitioner. The petitioner is only A-2. It is stated that he has caused injury on the left hand of the son of the deceased, who was already discharged from the hospital. It is further stated that the petitioner also got stab injury and while he was taking treatment, the police arrested him and the wife of the petitioner also filed a complaint regarding this fact, and pray release of the petitioner on bail.

4. On the side of the respondent, it is stated that the allegation against the petitioner is only causing injury on the relative of the deceased and still the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the overt act against the petitioner and the period of custody of the petitioner for the past 68 days, 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 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; and

(v) on breach of any of the aforesaid conditions, the learned Judicial Magistrate No.II, Thanjavur 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 Judicial Magistrate No.II, Thanjavur, himself as laid down by the Honourable Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

03/05/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHIRAPPALLI.
4. THE INSPECTOR OF POLICE
TALUK POLICE STATION, THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7604 of 2018

Date : 03/05/2018

MS/CM/GSR/08.05.2018/2P.6C