



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.7569 of 2018

JAMBULINGHAM

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
M. PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.60 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAJASEKAR, Advocate

For Respondent : M/S.M.ASOKAN, Government Advocate(Crl.Side)

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

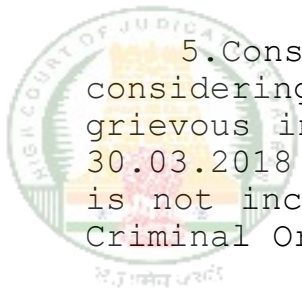
ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to Judicial custody on 30.03.2018 for the offences punishable under Sections 294(b) and 323 IPC @ 294(b) and 302 of I.P.C, in Crime No.60 of 2018, on the file of the respondent police seeks bail.

2.The case of the prosecution is that there is a motive between the petitioner and the deceased regarding the construction of house. On 29.03.2018, there was a quarrel between the petitioner and the deceased. The petitioner kicked the deceased on the stomach and he died due to that and hence, the case was altered into under Sections 294(b) and 302 IPC.

3.On the side of the petitioner, it is stated that the co-accused / A2 was already released on bail on 25.04.2018 and there was no motive for the petitioner to kill the deceased and there is no mens rea for the offence. It is further stated that the petitioner is in judicial custody from 30.03.2018 and hence, prayed that the petitioner to be released on bail.

4.On the side of the respondent, it is stated that the investigation is in the earlier stage. The petitioner is in custody for the past 35 days only and hence, objected to release of the petitioner on bail.



5.Considering the facts and circumstances of the case and considering the fact that the allegation against the petitioner is grievous in nature and that the petitioner is in custody only from 30.03.2018 and the investigation is in the earlier stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

03/05/2018

WEB COPY

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
M. PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
2. THE OFFICER INCHARGE, DISTRICT PRISON,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.8024

ORDER

IN

CRL OP(MD) No.7569 of 2018

Date :03/05/2018

MS/CM/GSR/08.05.2018/2P.5C