



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

Monday, the Tenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21791 of 2018

1 BALAJI

2 MAYAKRISHNAN

... PETITIONERS / ACCUSED NO.1 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.190/2015

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.B.KALEESHWARAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who were arrested by the respondent police on 27.11.2018, for the offences punishable under Sections 147,323,302 of IPC r/w.176(1)(A) of Cr.P.C @ 304(ii) of IPC , in Crime No.190 of 2015, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased in this case and one other belongs to Bihar State. On hearing the cry of the villagers stating that the deceased and another person attempted to cheat her vimala and take away her gold jewels, the petitioners along with other persons try to catch them in which one Ajees kumar ran away from the scene of occurrence and another one Dilkosh kumar apprehended and tied in electric police and was assaulted by the villagers. Thereafter it was informed to the respondent police and the respondent police reached the spot at 04..00 p.m and took him into custody and produced him before the Ramanathapuram Government Hospital and obtained certificate and found that there is no external injuries and took him to police station for enquiry. Admittedly he was in custody of the police from 4.00 p.m. During enquiry he had seizures and he was admitted in the Government Hospital (Ramanathapuram) at 06.00 p.m. Despite treatment he died at 07.15 p.m and therefore the case has been altered under Section 176 (1)(a) Cr.P.C, since the death has been taken place in the respondent police station.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent and they have no other bad antecedents except this allegation. He further submitted that the petitioners are in incarceration since 27.11.2018.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that petitioners have assaulted the deceased and the death have occurred in the respondent police station and that the investigation is almost over.

5. Considering the above facts and circumstances of the case and also considering the materials produced before this Court and the fact that the petitioners are in judicial custody since 27.11.2018, this Court is inclined to grant bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram and on further condition that:

[a] the petitioners shall appear before respondent police daily at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-

10/12/2018

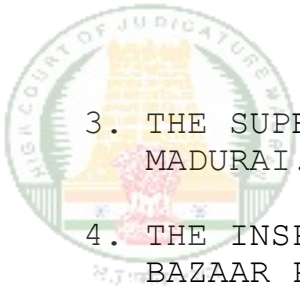
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

4. THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.B.KALEESHWARAN Advocate SR.No.22966

ORDER

IN

CRL OP (MD) No.21791 of 2018

Date :10/12/2018

MS/PN-AC/SAR-2/10.12.2018/3P.7C