



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

Thursday, the Twenty Fifth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.19004 of 2018

M.MUHAMATH THAMI ANSSARE

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VEDASERY POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO. 396 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MAHESWARAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 30.09.2018 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 302 and 506(ii) I.P.C., in Crime No.396 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 29.09.2018, the defacto complainant's younger son Subramanian, who is an auto driver while entering the street after finishing his work at around 9.15 p.m is being restrained by the accused by asking why you made a police complaint against us in the matter of Esakkimuthu, who is your elder brother and beaten up by the accused with iron rods and sticks. Subsequently, the deceased sustained injuries and died on 30.09.2018. Hence, the charge.

3.The learned counsel for the petitioner would submit that the petitioner is studying II year B.Sc., in Scott Christian College, Nagercoil. There is no specific overtact attributed as against the petitioner. He has been falsely implicated in this case. He is in incarceration from 30.09.2018 onwards. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is almost over.

5.Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, 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, Nagercoil.

(ii)the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

sd/-
25/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
VEDASERY POLICE STATION, KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE,
SUB-JAIL, NAGERCOIL.

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

+1. CC to M/S.R.MAHESWARAN Advocate SR.No.20246

ORDER
IN
CRL OP(MD) No.19004 of 2018
Date :25/10/2018

JM/PN/SAR 3/25.10.2018/2P/7C