



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

Thursday, the Twenty Sixth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.12537 of 2018

SOUNDAR @ SOUNDARAPANDIAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
THENI DISTRICT.
CRIME NO.182 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.I.KANNAN, Advocate
For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

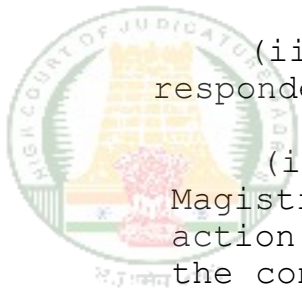
ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused. He was arrested and remanded to judicial custody on 27.06.2018 for the offences punishable under Sections 294(b), 323, 506(i) of IPC @ 294(b), 302 of IPC in Crime No.182 of 2018, on the file of the respondent police. He seeks bail.

2.This Court went through the F.I.R. It appears that there was a scuffle between the petitioner and the deceased on 17.06.2018. The petitioner is said to have assaulted the deceased with stick on his back. But, the F.I.R. has been registered on 26.06.2018 for the offences under Sections 294(b), 323, 506(i) of IPC. The victim died later and that is how, the case was altered into one under Section 302 of IPC. The petitioner is not having any previous case. It is not possible to exclusively assert at this point of time that the petitioner's act caused the death of the victim in any event.

3.Taking note of the gap of 10 days between the so called occurrence and the death of the victim, this Court is inclined to grant bail to the petitioner with certain conditions. 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, Andipatti, Theni District.



(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 petitioner released on bail by the 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/-

26/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ANTIPATTI,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.VIKRAM, Advocate SR.No.14086

ORDER

IN

CRL OP(MD) No.12537 of 2018

Date : 26/07/2018

MS/MMS/SAR-2/26.07.2018/2P.7C