



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

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.14397 of 2018

BABU@ACID BABU@LEO BABU

... PETITIONER /1st ACCUSED

Vs

THE REPRESENTED BY THROUGH ITS
THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.
Crime No.69/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MOHAMED HANEEF Advocate

For Respondent : Mr.V.NEELAKANDAN Additional Public Prosecutor

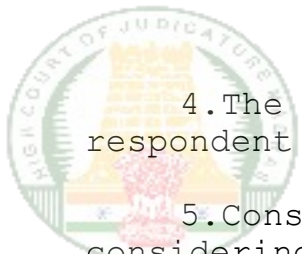
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 15.06.2018 for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) I.P.C @ Section 294(b), 323, 324, 506(ii) and 302 I.P.C. in Crime No.69 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 09.06.2018, the petitioner/A1 along with A2 and the deceased consumed liquor. Thereafter, the petitioner/A1 abused the deceased to pay money for the liquor consumed by him. Due to that, there was a wordy quarrel between them. Immediately, the Accused No.2 assaulted the deceased with stone on the back side of the head. The petitioner/A1 assaulted the deceased by stick on the right cheek and back. Subsequently, the deceased was admitted in the hospital for treatment and the case has been registered under Sections 294(b), 323, 324, 307 and 506(ii) I.P.C. Thereafter, the deceased died on 14.06.2018, and the same was altered into Sections 294(b), 323, 324, 506(ii) and 302 I.P.C.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent. The petitioner and the deceased are close relatives. At the time of bill payment for liquor consumed by the petitioner, there was a wordy quarrel and as such on a sudden provocation, the petitioner and A2 assaulted the deceased with stick and stone. He further submitted that the petitioner is in incarceration from 15.06.2018 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 pending.

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.I, Nagercoil.

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

sd/-
21/08/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO I, NAGERCOIL.

2.THE CHIEF JUDUCIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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

4.THE OFFICER INCHARGE
DISTRICT JAIL,NAGERCOIL.

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

+1. CC to Mr.A.MOHAMED HANEEF Advocate SR.No.15893

ORDER
IN
CRL OP(MD) No.14397 of 2018
Date :21/08/2018

TK/PN/SAR.1/21.08.2018/2P-7C