



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

Friday, the Twenty First day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22696 of 2018

MOHAMED THAHEER

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.219/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.VADIVEL Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 01.10.2018 for the offences punishable under Section 302 of IPC, in Crime No.219 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has developed illicit intimacy with several women and when it was questioned by one of his son, the petitioner dropped a grinder stone on one of his son, due which he was seeping died instantaneously and to that effect his another son gave a complaint.

3.It appears that the deceased is his son and the defacto complainant is another son. Due to property dispute there was a quarrel arose between the family members. The petitioner had developed default friendship. Hence, he was brought the petitioner from Chennai to native and questioned about the same. The learned counsel for the petitioner submits that on the fateful day there was scuffle between the sons of the petitioners and the petitioner was assaulted by his two sons. One of the son attempted to throw the grinding stone on the petitioner which was fell down on the other



son who had succumbed to the injury.

4.The learned Government Advocate (Crl. Side) submits that investigation in this case has been completed, charge sheet has been filed and the same was taken on file in P.R.C.No.46 of 2018 by the learned Judicial Magistrate No.I, Thanjavur.

5.Considering the facts and circumstances of the case and considering that the fact that the charge sheet has been filed before the concerned, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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, Thanjavur and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 229A IPC.

sd/-
21/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THANJAVUR DISTRICT AT KUMAKONAM.



3. THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. CC to MR.P.VADIVEL Advocate SR.No.23827

ORDER

IN

CRL OP (MD) No.22696 of 2018

Date :21/12/2018

AE/VR/SAR4/21.12.2018/3P/7C