



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20818 of 2018

SIVALINGAM

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.71/2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.BAALASUNDHARAM, 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 :-

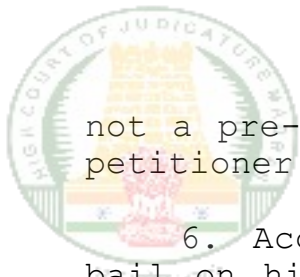
The petitioner was arrested and remanded to judicial custody since 30.09.2018 for the offence punishable under Section 302 of IPC, in Crime No.71 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 29.09.2018, the accused person entered into the defacto complainant's land with his goats. When the same was questioned by the defacto complainant and her husband, the accused person murdered the defacto complainant's husband Ramasamy with aruval. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. side) would submit that the defacto complainant is the wife of the deceased. Due to a quarrel arose between the deceased and accused, the accused caused severe injuries to the deceased and he succumbed to that injuries.

5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and considering the nature of offence and the fact that the attack was



not a pre-planned one, 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, Thirumayam and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[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/-

26/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKKOTTAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KARAIYUR POLICE STATION, PUDUKKOTTAI DISTRICT
 - 4 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.K.BAALASUNDHARAM, Advocate SR.No.22050

ORDER IN
CRL OP(MD) No.20818 of 2018
Date :26/11/2018