



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20905 of 2018

1 MUTHUKUMAR

2 NAGARAJ

... PETITIONERS / PETITIONERS

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KEELAKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.140/2018)

... RESPONDENT / COMPLAINANT

For PetitionerS : Mr.R.SENTHIL KUMAR 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 :-

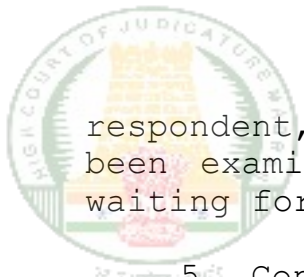
The petitioners, who were arrested by the respondent police on 01.11.2018, for the offences punishable under Sections 294(b), 342 and 302 of IPC., in Crime No.140 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to rivalry in rearing pigeons between the petitioners and one Thakali @ Nagarasu, there was a quarrel among themselves and the deceased Anand who is the brother-in-law of the said Thakali @ Nagarasu went for compromise. There was a wordy quarrel among themselves during compromise, in which due to A1, Muthukumar caught hold of the deceased and A2 is said to have made a single blow with Thirrukaival.

3. The learned counsel appearing for the petitioners submits that both the deceased and the petitioners belong to the same area and the incident is said to have taken place in a sudden moment they have no other bad antecedents except this allegation. He further submitted that the petitioners are in incarceration since 01.11.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Additional Public Prosecutor appearing for the



respondent, on instructions, would submit that eight witnesses have been examined in this case the investigation is almost over and waiting for forensic report.

5. Considering the above facts and circumstances of the case and also considering the fact that investigation in this case has been completed and also considering the fact that the petitioners are in judicial custody since 01.11.2018, this Court is inclined to grant bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are 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, Ramnad and on further condition that:

[a] the petitioners shall appear before respondent police daily at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229 A IPC.

sd/-

18/12/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO-I,
RAMNAD.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMNAD.



3 THE INSPECTOR OF POLICE
KEELAKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISION, MADURAI.

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

+1. CC to M/S.R.SENTHIL KUMAR Advocate SR.No.23490

PS/PN-AC/SAR-1/18.12.2018/3P/7C

ORDER

IN

CRL OP (MD) No.20905 of 2018

Date :18/12/2018