



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

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.15939 of 2018

SHANMUGARAJ

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CRIME NO.125 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.THALAIMUTHARASU, 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 23.04.2016 for the offence punishable under Section 302 I.P.C. in Crime No.125 of 2016 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner herein already involved in a criminal case in Crime No.192 of 2015 on the file of the respondent police. In the said case, the petitioner was enlarged on bail. While so, he suspected that the deceased namely Perumalpandian in this case has informed about the movement of the petitioner to his rival party and on 29.03.2016, the petitioner and the deceased consumed liquor in the outer area and subsequently, the petitioner assaulted the deceased Perumalpandian by aruval and caused his death. Hence, the case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent. He did not commit any offence as alleged by the prosecution. Even his name was not found in the first information report. However, the respondent police implicated the petitioner as accused in this case and remanded to judicial custody. He is incarceration from 23.04.2016 onwards. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that after completing investigation, charge sheet has been filed and trial also commenced by the learned II Additional Sessions Judge, Thoothukudi in S.C.No.71 of 2017.



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.II, Kovilpatti.

(ii)the petitioner shall report before the concerned Trial Court daily at 10.30 a.m. until further orders;

sd/-
06/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE SUPERINTENDENT,CENTRAL PRISON, PALAYMKOTTAI.
 4. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.G.THALAIMUTHARASU Advocate SR.No.17066

ORDER
IN
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Date :06/09/2018

MS/VR-MMS/SAR-1/06.09.2018/2P.7C