



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

Monday, the Twenty Fourth day of September Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.16508 of 2018

KEDHARNATH @ KARTHIKEYAN

... PETITIONER/ACCUSED No.1

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION,
MADURAI CITY.
IN CR NO. 720 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.KATHIRVELU, Senior Counsel for
MR.R.SENTHIL KUMAR, 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 29.08.2018 for the offences punishable under Sections 302 and 201 I.P.C. in Crime No.720 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the defacto complainant, namely Victorin Rani is the wife of the deceased, Navis Britto Loordu Raj. The deceased was admitted in the Spark De-addiction Physiotherapy Treatment Centre on 07.08.2018 for treatment. Thereafter, she was informed that on 11.08.2018 at about 5.00.p.m , the deceased was not well and as such he was taken to Vadamalayan Hospital, Madurai. Subsequently, on the way to hospital, he died. Hence, the case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner was running a Centre in the name and style of Spark De-Addiction & Psychiatric Treatment Centre, Madurai from the year 2015 onwards. The deceased was admitted for treatment on 07.08.2018. Thereafter, he quarrelled with A2 and A3 and others, in which they also sustained injuries. While the deceased was controlled by A2 and A3, he died. As far as the petitioner is concerned, he is no way connected with the offence. He further



submitted that the petitioner is in incarceration from 29.08.2018 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent has filed a counter affidavit today and stating that there are totally three accused in the case. The petitioner is arraigned as Accused No.1. The deceased was admitted in the Spark De-Addiction Centre at Madurai on 07.08.2018 and on 11.08.2018 he was attacked by A2 and A3, as such he died on the spot. Thereafter, the petitioner suppressed the fact and the deceased was taken by him to Vadamalaiyan Hospital, Madurai and also informed to the wife of the deceased as if he fell sick and they were taking him to hospital. Further, the petitioner has removed the CCTV footage and also destroyed all the material evidence. Hence, he vehemently opposed the grant of bail to the petitioner.

5. It is seen that the petitioner was running a Spark De-Addiction & Psychiatric Treatment Centre, Madurai from the year 2015 onwards and no untoward incident happened before this occurrence. However, it is also seen that the deceased, A2 and A3 were attacked with each other, in which, the deceased was died. As far as the petitioner is concerned, there is no overact as against him. Further, the learned Additional Public Prosecutor appearing for the respondent would submit that no other untoward incident was happened in the said Centre before this occurrence.

6. 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.IV, Madurai.

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

sd/-
24/09/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3 THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION, MADURAI CITY.

4 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI

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

+1. CC to MR.R.SENTHIL KUMAR Advocate SR.No.18076

ORDER

IN

CRL OP(MD) No.16508 of 2018

Date :24/09/2018

PK/VR-MMS/SAR-1/24.09.2018 : 3P/7C