



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

Thursday, the Twenty Seventh day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.16968 of 2018

MATHIYALAGAN

... PETITIONER/ACCUSED No.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.199 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M.B.JAMEEL ARASU, Advocate

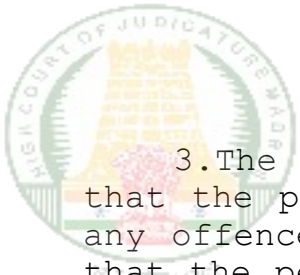
For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody since 08.08.2018 for the offences punishable under Sections 294(b), 323, 342 and 302 of I.P.C. in crime No.199 of 2018, on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 05.08.2018, on information, the dead body of the deceased found near Marungulam to Nagappaudayanpatti Main Road, the Village Administration Officer registered a case under Section 174 of Cr.P.C., and thereafter, the offence has been altered into Section 302 of I.P.C., on the basis of the confession statement of A1. As per the confession statement, it is alleged that there was a wordy quarrel between A1 and the deceased, since the first accused used to abuse him in filthy language, for which, the deceased questioned A1 and further, they used to have drink jointly daily, which was also questioned by the brother of the deceased. During the wordy quarrel, the petitioner/A4 intercepted between A1 and the deceased. At that time, the deceased stabbed A4/the petitioner herein and as such, he also sustained injuries. Thereafter, A1 took the wooden log and attacked the deceased on head and A4 and others caught hold the deceased and A1 attacked the deceased and on the spot, he died. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the father of the first accused and when the petitioner intercepted the quarrel between A1 and the deceased, the deceased attacked the petitioner with knife and he sustained injuries and admitted in hospital in Thanjavur Medical College Hospital on 04.08.2018 and discharged on 08.08.2018 and he is in incarceration from 08.08.2018.

4.The learned Additional Public Prosecutor would submit that A1 to A4 are having previous enmity and as such, due to the motive, they murdered the deceased and it is a pre-planned one and hence, he vehemently opposed the grant of bail to the petitioner.

5.It is seen from the discharge summary produced by the petitioner that the petitioner also sustained injuries and he was admitted in the hospital on 04.08.2018 and discharge only on 08.08.2018. After the petitioner was attacked by the deceased, A1 to A4 attacked the deceased. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail with certain conditions.

6.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.I, Thanjavur;

(ii) the petitioner shall appear before the Inspector of Police, Ramanathapuram Town Police Station daily at 10.30 a.m. until further orders.

sd/-
27/09/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1,
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM



3 THE INSPECTOR OF POLICE,
VALLAM POLICE STATION, THANJAVUR DISTRICT

4 THE INSPECTOR OF POLICE,
RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

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

+1. CC to MR.B.JAMEEL ARASU, Advocate SR.No.18504

ORDER
IN
CRL OP(MD) No.16968 of 2018
Date :27/09/2018

PK/VR-MMS/SAR-4/28.09.2018 : 3P/8C