



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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21657 of 2018

1 MOHANAVEL

2 ARAVINTH @ ARAVINDHAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

THIRUKATTUPALLI POLICE STATION,

THANJAVUR DISTRICT.

(CRIME.NO.255/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.SENTHIL KUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate

(Crl. Side)

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

ORDER : The Court Made the following order :-

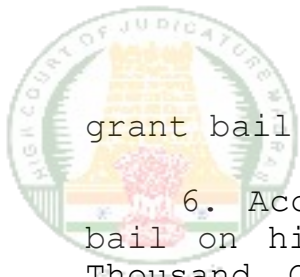
The petitioners, who were arrested by the respondent police on 26.09.2018, for the offences punishable under Sections 341, 294(b) and 302 of IPC., in Crime No.255 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners and deceased had some dispute with regard to purchase of plot and when the deceased was proceeding to his field around 08.00 p.m on the fateful day the petitioners are said to have assaulted the deceased with aruval.

3. The learned counsel appearing for the petitioners submits that both the deceased and the petitioners are residing in the same village and the petitioners are innocent and they have no other bad antecedents except this allegation. He further submitted that the petitioners are in incarceration since 26.09.2018.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that 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 26.09.2018, 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, Thiruvaiyaru 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/-
07/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION, THANJAVUR DISTRICT.
 - 4 THE SUPERINTENDENT, ENTRAL PRISON, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.T.SENTHIL KUMAR Advocate SR.No.22864
PS/PN/SAR-1/07/12/2018/2P/7C

ORDER
IN
CRL OP (MD) No.21657 of 2018
Date : 07/12/2018