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

Thursday, the Eleventh day of October Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.17985 of 2018

KALYANI ... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
MAYILADUMPARAI POLICE STATION,
THENI DISTRICT.
(IN CR NO. 171 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN 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 21.08.2018 for the offences punishable under Section 302 I.P.C, in Crime No.171 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police on 28.04.2018 at about 07.30.a.m., stating that her husband was brutally attacked by unknown persons and he died, she found cut injuries on his body. Therefore, she lodged a complaint before the respondent police stating that four months back, due to previous motive between the petitioner and the deceased regarding, grazing his cattle in the agricultural land where he raised Amla crops. Therefore, the deceased attacked the petitioner in which, he sustained injuries on his forehead and nose. Due to which, on 28.04.2018, the petitioner attacked the deceased on his head and neck, in the result he died. Hence the complaint.

3.The learned counsel for the petitioner would submit that it is the case of circumstantial evidence, there is no eye witness for the incident. Further the case of the prosecution is that if such an incident had happened as alleged by the defacto complainant,

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definitely, there would be a complaint. There is absolutely no previous motive between the petitioner and the deceased. Further the occurrence took place on 28.04.2018 and four months later from the earlier incident, the petitioner was roped in this case. Therefore, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) for the respondent would submit that on suspicious grounds, the petitioner was arrested and remanded to judicial custody on 21.08.2018 and it is found from his confession that he was brutally attacked the deceased on 28.04.2018, due to previous enmity that had happened eight months prior to the date of the occurrence between the petitioner and the deceased. Therefore, he vehemently opposed the grant of bail to the petitioner.

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, Andipatti, Theni.

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

sd/-
11/10/2018

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

TO

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, THENI.

3 THE SUB INSPECTOR OF POLICE
MAYILADUMPARAI POLICE STATION,
THENI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No. 19444

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ORDER
IN
CRL OP(MD) No.17985 of 2018
Date :11/10/2018

JM/PN/SAR 2/11.10.2018/3P/7C

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