



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22537 of 2018

FRANCIS

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THALAMUTHU NAGAR POLICE STATION,
THALAMUTHU NAGAR,
THOOTHUKUDI DISTRICT.
Crime No.372 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.PRAGALATHAN 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 petitioner is in judicial custody since 05.11.2018 for the offences punishable under Sections 341, 302 of IPC in Crime No.372 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that the petitioner wrongfully restrained the deceased and attacked him with aruval and caused his death.

3.The learned counsel for the petitioner would submit that the deceased was having illicit relationship with the petitioner's wife and when it was questioned by the petitioner, due to provocation the occurrence took place and hence prayed for bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is working in CISF at relevant point of time, when he came from job after retirement he came to know about the illicit relationship between the deceased and his wife and in order to take revenge, when he saw the deceased going along with his wife in a motorcycle the petitioner dashed against them and when they fell down the petitioner brutally attacked the deceased and he succumbed



to injuries and died on the spot. He would also submit that investigation in this case is almost over.

5. Considering the above facts and circumstances and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is 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 Judicial Magistrate No.II, Thoothukudi and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during trial.

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
20/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO II,
THOOTHUKUDI.

<https://hcservices.courts.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3. THE INSPECTOR OF POLICE,
THALAMUTHU NAGAR POLICE STATION,
THALAMUTHU NAGAR, THOOTHUKUDI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.N.PRAGALATHAN Advocate SR.No.23699

ORDER

IN

CRL OP(MD) No.22537 of 2018

Date :20/12/2018

TK/PN.AC/SAR-3/20.12.2018/3P/7C