



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

Friday, the Twelfth day of October Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.18425 of 2018

SENTHILKUMAR

... PETITIONER / ACCUSED NO.3

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.JEGAN Advocate

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

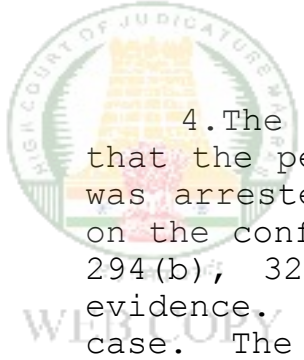
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 06.08.2018 for the offences under Sections 174 Cr.P.C @ 294(b), 323, 342 and 302 I.P.C in Crime No.199 of 2018, on the file of the respondent Police. The petitioner is arrayed as Accused No.3. He seeks bail.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3.Initially, the case has been registered under Section 174 Cr.P.C. and thereafter on the confession of accused No.1, the case has been altered into offences under Sections 294(b), 323, 342 and 302 I.P.C. As far as the confession statement, on the date of occurrence i.e., on 04.08.2018, the accused persons consumed liquor near the deceased's house. This was questioned by Neelankandan, who is the deceased's brother. The accused persons attacked the deceased and his brother Neelakandan. Thereafter, the deceased attacked with knife on the fourth accused. Due to the same, the petitioner caught hold the hands of the deceased and murdered the deceased. Hence the complaint.



4.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as third accused in this case and he was arrested and remanded to judicial custody on 06.08.2018. Only on the confession statement, the case has been altered into Sections 294(b), 323, 342 and 302 I.P.C. It is the case of substantial evidence. He further submitted that there is no eye-witness in this case. The petitioner has been falsely roped into this crime.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that on the confession of the accused No.4, the case has been altered into Section 302 I.P.C.

6.Considering the above facts and circumstances and also considering the period of incarceration undergone by 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.II, Thanjavur.

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

sd/-
12/10/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
VALLAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRAS HIGH COURT, MADURAI.



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+1. CC to M/S.K.JEGAN Advocate SR.No.19555

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ORDER

IN

CRL OP (MD) No.18425 of 2018

Date :12/10/2018

JM/PN/SAR 4/12.10.2018/3P/7C