



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

Thursday, the Tenth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.415 of 2019

1 RAJESH,
2 MARUDAMUTHU,

... PETITIONERS / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
(IN CRIME.NO.312/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.SHANMUGA RAJA 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 :-

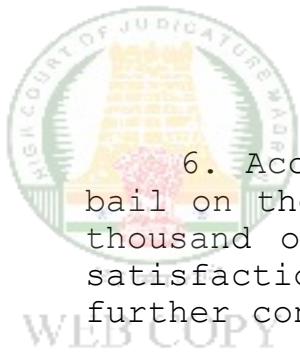
The petitioners were arrested and remanded to judicial custody since 29.10.2018 for the offences punishable under Sections 302,341,294(b), 324 and 506(ii) of IPC in Crime No.312 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to wordy quarrel the petitioners herein are said to have attacked the defacto complainant with wooden log on his head, due to which he sustained severe injuries and died in the spot itself.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners have assaulted the defacto complainant with wooden log. He would further submit that there is no previous case pending against the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.



6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai and on further condition that:

[a] the petitioners shall report 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 petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness 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 229A IPC.

sd/-

10/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.SHANMUGA RAJA Advocate SR.No.567
PS/VR/SAR-4/10.01.2019/2P/7C

ORDER

IN

CRL OP(MD) No.415 of 2019

Date :10/01/2019