



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

Tuesday, the Twenty Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4521 of 2019

SARAVANAN @ KOLUPPU SARAVANAN

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KALLAPERAMPUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.16/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.S.VAIGUNTH, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.02.2019 for the offences under Section 174(3) altered into 302 of IPC in Cr.No.16 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the *de facto* complainant is the son of the deceased person. The deceased persons fell down and sustained head injuries in a drunken mood. Thereafter, he died. Initially, the Law Enforcing Agency has registered a case under Section 174(3) of IPC. Thereafter, the defacto complainant informed that the petitioner and other accused persons attacked the defacto complainant's father with wooden logs near Kamatchiamman Temple in a newly constructed building of one Kaliyatha, where he was sleeping in a drunken mood. Thereafter, the Law Enforcing Agency altered the Section from 174(3) to 302 of IPC. Hence, the present bail petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is an innocent person. He would further submit that the defacto complainant's father was an alcoholic and on the date of occurrence of his death, he consumed alcohol and fell down nearby Kamatchiamman Temple in a newly constructed building of one



kaliyatha and sustained head injuries and he was taken to the hospital for treatment. Thereafter, he passed away and the police registered a case against the petitioner and hence, he would pray for bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the case was registered under Section 174 (3) IPC and subsequently altered into 302 of IPC. The defacto complainant, on suspicion filed a complaint and he has stated that he did not know whether the petitioner is involved in the attack of his father or not. He would further submit that investigation is pending.

5. Considering the nature of the case and considering the period of incarceration, I am inclined to grant bail to the petitioner. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No. II, Thanjavur, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/03/2019

/ TRUE COPY /

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 DISTRICT AT KUMBAKONAM.

3. THE OFFICER INCHARGE, SUB JAIL,
THANJAVUR.

4. THE INSPECTOR OF POLICE
KALLAPERAMPUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to Mr.G.THALAIMUTHARASU Advocate SR.No.5564

ORDER

IN

CRL OP (MD) No.4521 of 2019

Date :26/03/2019

MS/VR/SAR-1/26.03.2019/3P.7C