



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

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4696 of 2019

GANESAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.45/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.RAMESHKUMAR 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, who was arrested and remanded to judicial custody since 25.02.2019 for the offence punishable under Sections 294(b), 323, 307 of IPC altered into 294(b), 323, 302 of IPC in Cr.No.45 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the deceased crossed the house of the accused, the dog try to bite the deceased and when the same was questioned by the deceased. Thereafter, the petitioner and his wife assaulted the deceased with Aruval and stick. Thereby, the deceased sustained fatal injuries and was died. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. In fact the petitioner already filed a complaint against the deceased in Crime No.46 of 2019 and A2 already enlarged on anticipatory bail. He would further submit that there is no specific overt act against the petitioner. Hence, he prays for



4. The learned Government Advocate (Crl. Side) would submit that A2 already enlarged on anticipatory bail. He would further submit that investigation is still pending.

5. Considering the facts and circumstances of the case and considering 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 their 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, Dindigul, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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., and 5.30 p.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 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]; and;

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

sd/-
12/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO II,
DINDIGUL.

2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE SUB INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.

4. THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

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

+1. CC to Mr.D.RAMESHKUMAR Advocate SR.No.6656

ORDER

IN

CRL OP (MD) No.4696 of 2019

Date :12/04/2019

TK/PN/SAR-4/12.04.2019/3P/7C