



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6689 of 2019

SATHIK BATCHA

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.29 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN, Advocate

For Respondent : Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.1 who was arrested and remanded to judicial custody on 20.02.2019 for the offences punishable under Sections 147, 342 & 302 of IPC in Crime No.29 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.K.M.Karunakaran, learned Counsel for the petitioner and Mr.K.K.Ramakrishnan, Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that the petitioner's daughter was in love affair with one Sahul Hameed. On knowing that, the petitioner has called the brother of Sahul Hameed for a talk in dealing with the issue, where he was compelled to take tea and biscuit and subsequent to that the brother of Sahul Hameed developed certain giddiness, due to which he was admitted at the hospital and he died after 23 days. The petitioner has been arrested on the allegation that he has given some poisonous substance to the deceased and thereby the petitioner has become responsible for the death of the deceased. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted



that this petitioner was arrested and remanded to judicial custody on 20.02.2019 and he is languishing in the jail for the past 84 days. He also submitted that the co-accused 3 to 6 have been enlarged on bail by this Court in CrI.O.P.(MD) Nos.4547 and 5834 of 2019 on 24.04.2019.

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5.The learned Additional Public Prosecutor submitted that the substantial portion of the investigation has been completed.

6.Taking into consideration of the fact that a substantial portion of the investigation is completed and also the fact that the petitioner has already suffered incarceration for more than 84 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7.Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.3, Thanjavur and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the respondent police every Monday at 10:30 a.m., until further orders;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

16/05/2019

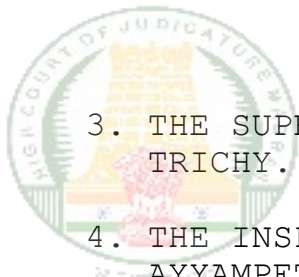
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.3, THANAJVUR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.

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

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

+1. CC to MR.K.M.KARUNAKARAN Advocate SR.No.8496

ORDER

IN

CRL OP (MD) No.6689 of 2019

Date :16/05/2019

MS/MMS/SAR-2/17.05.2019/3P.7C