



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.7068 of 2019

1 SHANMUGAM

2 SURESH

... PETITIONERS / ACCUSED NO.1 AND 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.54/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ALAGUMANI Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

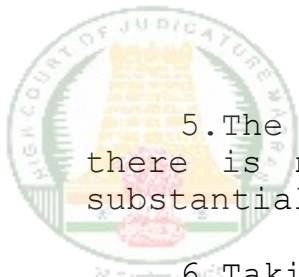
ORDER : The Court Made the following order :-

The petitioners/Accused No.1 & 3, who were arrested and remanded to judicial custody on 17.03.2019 for the offences punishable under Sections 294(b), 324, 506(ii), 307 & 302 of IPC in Crime No.54 of 2019 on the file of the respondent police, seek bail.

2.Heard Mr.R.Alagumani, learned counsel for the petitioners and Mr.K.K.Ramakrishnan, Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that there was a dispute prevailing between the petitioners and the deceased in grazing of cattle. On the date of occurrence, (i.e.,) on 10.03.2019, at about 09:30 p.m., the deceased is said to have abused the petitioners/accused and had some retaliation. Out of that motive, these petitioners are said to have abused the deceased and also assaulted him. The deceased fell down in the course of fight was admitted in the hospital and died after seven days. Hence, the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are innocents and have not committed any offences as alleged by the prosecution. The learned counsel further submitted that these petitioners were arrested and remanded to judicial custody on 17.03.2019 and they are languishing in the jail for the past 60 days.



5. The learned Additional Public Prosecutor would submit that there is no bad antecedent against the petitioners and also the substantial portion of the investigation has been completed.

6. Taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioners have already suffered incarceration for more than 60 days, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Papanasam, Thanjavur District and on further conditions that:-

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10:30 a.m., until further orders;

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

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, 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 petitioners, 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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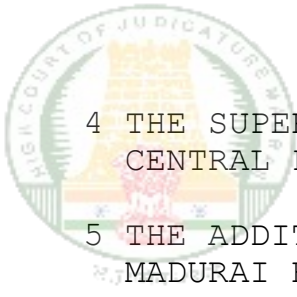
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

WEB COPY

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-8583[I] dated 16/05/2019)

ORDER

IN

CRL OP(MD) No.7068 of 2019

Date :16/05/2019

JM/JC/SAR 2/17.05.2019/3P/7C