



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7569 of 2019

THALAPATHI,

... PETITIONER /2nd ACCUSED

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.G.ARUN KUMAR 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 is arrayed as 2nd accused, was arrested and remanded to judicial custody on 12.03.2019 for the offences punishable under Sections 294(b), 324, 506(ii), 307 IPC altered into 294(b), 324, 506(ii), 307 and 302 IPC in Crime No.54 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused persons came to the house of the victim, attacked him with aruval and stick and thereby, the victim succumbed to the injuries.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. The learned counsel further submitted that the co-accused, namely, A1 and A3 were released on bail. Hence, the learned counsel for the petitioner prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the State submitted that a substantial portion of the investigation is completed and the viscera report is yet to be received.

5. The submissions made by the learned counsel appearing on either side are considered.

6. Considering the fact that a substantial portion of the investigation is completed, further custody of the petitioner is not necessary for the prosecution to complete the investigation. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District.

[ii] 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;

(iii) the petitioner shall stay at Thirunelveli and report before the Inspector of Police, Town Police Station, Thirunelveli, daily at 10.00 a.m. until further orders.

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

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

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
30/05/2019

/ TRUE COPY /



TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PAPANASAM,
THANJAVUR DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

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

4. THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
THIRUNELVELI.

5. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

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

+1 CC to MR.K.G.ARUN KUMAR, Advocate (SR-8996[I] dated 30/05/2019)

ORDER

IN

CRL OP(MD) No.7569 of 2019

Date : 30/05/2019

ogy/dss

AE/MMS/SAR-IV (30.05.2019) 3P 8C