



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/08/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.11942 of 2019

1. Kumar
2. Gopinath
3. Gogulnath

... Petitioners/Accused No.1 to 3

Vs

State Rep.by  
The Inspector of Police,  
Thanjavur Taluk Police Station,  
Thanjavur District,  
Crime No.199/2019.

... Respondent/Complainant

For Petitioners : M/s.K.Navaneetharaja,  
Advocate.

For Respondent : Mr.V.Neelakandan,  
Additional Public Prosecutor

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

**PRAYER :-**

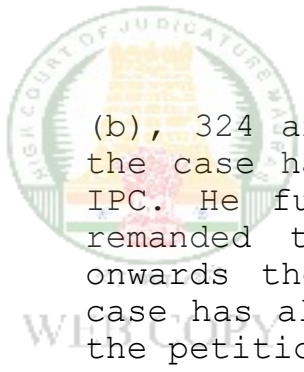
For Bail in Crime No. 199 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused No.1 to 3 seeking bail for the alleged offence punishable under Sections 147, 148, 294(b), 324 and 307 of IPC @ 302 r/w Section 34 of IPC in Crime No.199 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to some dispute regarding water supply, a false case has been foisted against the petitioners. He further submitted that initially the case was registered under sections 147, 148, 294



(b), 324 and 307 of IPC and subsequently, since the deceased died, the case has been altered into under Section 302 r/w Section 34 of IPC. He further submitted that the petitioners were arrested and remanded to judicial custody on 07.06.2019 and from that date onwards they are in custody. He further submitted that a counter case has also been registered and hence, he prayed to grant bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that due to civil dispute, the petitioners and other accused persons have attacked the deceased with wooden log and caused serious injuries and hence initially the case was registered under Sections 147, 148, 294(b), 324 and 307 of IPC and subsequently, the deceased succumbed to injuries and therefore the case has been altered into under Section 302 r/w Section 34 of IPC and hence, he opposed this petition.

5.Taking into consideration of the fact that a counter case has also been registered and also the fact that originally the case was registered under sections 147, 148, 294(b), 324 and 307 of IPC and subsequently, it was altered into under Section 302 r/w Section 34 of IPC and also the fact that the petitioners are in custody for the past 85 days and by this time a major portion of the investigation might have been completed and also the fact that no bad antecedent is reported against the petitioners, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of one week and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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].



CRL OP(MD) . No.11942 of 2019

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
30/08/2019

/ TRUE COPY /

WEB 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 SUPERINTENDENT, CENTRAL PRISON,  
TRICHY.
4. THE INSPECTOR OF POLICE,  
THANJAVUR TALUK POLICE STATION,  
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.NAVANEETHARAJA Advocate SR.No.14499

ORDER  
IN  
CRL OP(MD) No.11942 of 2019  
Date :30/08/2019

**MS/VR/SAR-3/30.08.2019/3P.7C**