



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

Date : 19/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.13088 of 2019

1. Prakalathan
2. Murugeswari

... Petitioners/Accused No.1 and 2

Vs

State rep.by,
The Sub Inspector of Police,
Bodinaickanur Rural Police Station,
Theni District.
In Crime No.437/2019

... Respondent/Complainant

For Petitioner : M/s. D. Saravanan,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.437 of 2019 on the file of the respondent

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners are arrayed as accused No.1 and 2. They were arrested and remanded to Judicial Custody on 04.09.2019, for the offences punishable under Section 306 of I.P.C., in Crime No.437 of 2019, on the file of the respondent police. They seek bail.

3.The petitioners and the deceased are neighbors. There was a dispute between them regarding the damage caused to the house of the deceased on account of digging of bore well by the petitioners herein. It is alleged that a day prior to the occurrence, there was a quarrel, in which, the second accused is said to have assaulted the deceased with broom stick. Unable to appear the same, the deceased is said to have committed suicide by hanging himself. That led to the registration of the present First Information Report.



4.I am of the view that continued incarceration of the petitioners herein will not serve any purpose. Taking note of the facts and circumstances, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Bodi.

(ii) the petitioners are directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
19/09/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, BODI, THENI DISTRICT.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4.THE SUB INSPECTOR OF POLICE,
BODINAICKANUR RURAL POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S. D. SARAVANAN Advocate SR.No.15856

ORDER IN
CRL OP(MD) No.13088 of 2019
Date :19/09/2019

SJI
PK/SKN/SAR-1/19.09.2019 : 2P/7C